
Todd Eyring, 10/10/2008 10:10 AM

I'd like to see access restored from the north side of Sunnyvale CalTrain station. Please keep me informed of public meetings.

Sincerely,
Todd Eyring

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>Yes- I got the message- thank you! I attended the meeting on the
>20th. Karin Strom

>This email is just to double check that you are aware of the
>community meeting that will be held this Thursday, April 20, 7:00
>p.m. at the Sunnyvale Community Center, 550 E. Remington in
>Sunnyvale. Your email address was forwarded to me but it looked to
>have a typo, so I am not sure if you were made aware of the meeting.
>If you wouldn't mind acknowledging receipt of this mail, I'd
>appreciate it. I'd also like to get your mailing address so I can
>put you on our mailing list for future notifications.

--

Karin Strom

Council:

First I want to congratulate Jack Withaus on running an excellent meeting the other night on the Hendy Ave/Caltrain station access issue. It was clear that the majority of participants favored some type of access from the north side of the station as long as steps were taken to address the issues of speeding, parking, crime and trash that were brought up by several of the residents of the adjacent neighborhood. It was also clear that folks wanted this access restored as soon as possible. As a resident of Sunnyvale, though not of this particular neighborhood, I personally would not have a need for this access but would support those that felt that there is a need as long as the various issues mentioned are addressed. One item I wanted to re-emphasize since, at least in the media, there seems to be some blame on the disabled community for this access being lost. As the gentleman from Caltrain correctly pointed out that since it's now been brought to his attention he has the legal requirement to address disabled access from Hendy Ave. I believe that the Council and the Sunnyvale community need to go one step further not only do they have the legal requirement but they have the moral responsibility to ensure that a disabled citizen has equal access to that of an able-bodied citizen to access from the Hendy Ave side of the station. Though I would not personally foresee the need to access the train station from Hendy Ave but as a disabled Sunnyvale resident I

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should at least have the opportunity if I so desired. Also at the meeting one woman

I'm writing this out of fear that some seem to blame the disabled community for ci

I urge the Council to meet its legal and moral responsibilities in the design of this access to reasonably accomodate the needs of the disabled when designing the Hendy Ave access. Speed should not outv

Thank you,

Jim Lauth

Mr. Walker et al,

I would like to encourage you to expedite the agenda for getting Hendy Access before the council so that we can get back to normalizing our lives when the access is restored. June is absolutely and totally unacceptable. If the public can be as greatly inconvenienced by a knee-jerk bureaucratic over-reaction as fencing over the access was, then you public servants types can work a little extra to put the "public servant" back into serving the public. That would go a long way to building credibility and will also prevent "public servant" from becoming an oxymoron.

Why cannot this issue be placed on the agenda for the next council meeting?

This is the heart of can-do Silicon Valley. A lot of us work 14 to 18 hours a day and work weekends as well. The notion that we wait until June is not in the true spirit of the work ethic this valley is known for worldwide.

The notion that the access was closed to provide for public safety is a bit of a stretch because the alternatives to crossing the tracks at the station are either Hendy Ave crossing or the pedestrian bridge along Mathilda. In both cases, the alternatives are really worse than crossing the tracks at the Sunnvale Station.

Hendy Ave crossing itself is ok but on the Evelyn side you have a narrow sidewalk with a telephone pole which appears to coincide with a significant narrowing of the road. Cars travel at a pretty decent clip there and if two people pass at that point, one is in the street. As I mentioned in a previous letter, I witnessed two close calls

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there where someone stepped into the street without looking at the same time that an automobile in the right hand lane passed just inches from the pedestrian. Pay me now, pay me later, but that is not a safe alternative. It is a 911 call in the making.

On the Mathilda side, the pedestrian ramp is poorly maintained. There is litter in abundance, with all the rain they became extremely slippery most particularly where we have green slime. The dust and dirt that has gone unswept turns to mud in the rain. The walkway along Mathilda is not large enough for two parties to pass and there is no safety rail to separate traffic and pedestrian. On the Evelyn side, the ramps are very dark at night and the condition of the walkway is less than desirable. Green slime on this side is quite slippery when wet. The real issue, especially at night, is that the lighting on the Evelyn side is broken, dirty and very dim.

Hey and if you think that I am putting a spin on things, check it out some night around 11PM. Do not believe me, trust your own senses and enjoy the walk. Fact is both ramps need to be righteously power washed and the lights on the Evelyn side need immediate attention in the real interest of public safety. The latter is needed regardless of the outcome of the Hendy Access. One thing is clear regarding the ramps, they are not regularly on the agenda of public works staff when it comes to regular cleaning and upkeep.

My point is this, you cannot hide behind the public safety argument as a legitimate reason for closing the Hendy Access. That argument holds about the same amount of water that a screen door does in a submarine.

More likely the real reason for the closure is legal advice has been tendered to city management putting a higher priority on mitigating litigation and risk management than serving the overwhelming majority of Sunnyvale voters that live in the vicinity and who favor re-opening.

This is a pretty visceral issue to those impacted by the closure of the Hendy Access. The public servants with decision making authority have a real opportunity to shine here in the eyes of the voting public. You have a chance to show some true leadership skills and facilitate the re-opening. You can give that 110% so famous and typical of the rich history in the valley, re-open the access, and thereby earn the respect of the constituents. Bottom line is that if you can close it in a day, you damn sure can open it in a day.

On the other hand, if you decide in favor of keeping the access at Hendy closed, you will alienate a fairly significant chunk of the voters in this part of Sunnyvale. I know that you all are likely much smarter than I, but I would just mention for the record that alienating the voting public is not a "best practice" for those that aspire politically.

So I hope that you make a decision that earns my respect. Let's get it done folks. You can have the access open by the end of next week if you work at it. Clearly, the people have spoken but the real issue is whether or not our public officials have listened. Our expectations are high and we do hope that you restore the access soon. Tomorrow works for me....

Paul Callahan

Hi Coryn

Can you please add me to your April 20 community outreach meeting for the Caltrain/Hendy ave entrance issue.

Thanks.

Luc Hermange

Please add me to notification list for the Hendy/Frances to Caltrain platform access meeting (for 4/20/2006 and any subsequent meetings).

I am very strongly in favor of access from W. Hendy being restored.

Thank you,

Randall Chesnut

Hi,

Please put me on the notification list for any meetings where Hendy Access is on the agenda.

Thanks,

Paul Callahan

Coryn,

Please add me to the list of people who would like to be informed when the meeting will be for ADA compliant access at Hendy.

Thank you,
Megan Dyer
HDNA VP

How low will we go? Check out Yahoo! Messenger's low PC-to-Phone call rates.

Thank you Coryn - I have shared my thoughts on this with neighbors,
and after a night to sleep on it, am feeling calmer, but still
can say, this item should be agendized
for Council action right away - i will contact Robert Walker as you indicate

yes please do include me on the meeting notification list, email works fine -

Coryn, thank you for taking on the work load associated with this matter,
i know you had a full plate already, but we appreciate your effort as this
is of the highest importance to our neighborhood here

Hi Coryn,

I would like to be added to the meeting notification list for the
Caltrain/VTASunnyvale meeting regarding Hendy Ave. Access.

Thanks!

John Brown

Hello David,

We met briefly on the weekend when you gave me a petition letter to
re-open the access point to the Sunnyvale Caltrain station off of E
Hendy Ave. I use the Caltrain regularly and use this access point to
get to the train. It is very inconvenient that this point is closed and
has doubled my walking time to the station from work. Further, I
believe that closing this access point is dangerous because I have since
seen people walking to the station along the tracks from Hendy and
Sunnyvale.

I am unable to make the upcoming meeting on April 7th, but please add my
name to your petition list.

Regards,
Paul

Paul Nevlud

I know you are relatively new to this issue.
Here are some figures on the multi-modal from before 2002 and a
correspondence to Amy which resulted from a correspondence from Tim.
This project was originally a beautiful new architecturally brilliant design
in 1995 that was turned into a parking lot with a ticket booth.
Community Development gone awry.
Your letter is laughable. Same old, same old with a new face.
Wow, another important time and money wasting study with new design costs!
I can't wait.
Tommy

>>> Tom Carrig: [REDACTED] 10/18/02 11:08AM >>>

Hi Amy,

Has Phase II as described in the Utilities bill flyer already been funded?
Is it in the budget for the first Multi-Modal Station? If not where are the
funds coming from? And how much?

Tim Risch wrote (below) which made me think that we were getting only a
Parking Garage.

The Multi-Modal Station is a City designed project being constructed under
the supervision of

> the City of Sunnyvale. However construction costs are from : CalTrain,
> Valley Transportation Agency (VTA), and the City of Sunnyvale.

>

> 1) The project was originally estimated to cost \$6 million, then this value
> was later increased to \$8 million. The final construction cost was over \$13
> million.

> 2) The plan was originally touted as a "multi-modal" station. This means it
> was designed to serve transit riders, bicyclists, pedestrians, as well
> automobiles. Ultimately, the transit improvements were deferred because the
> cost of the parking structure doubled over the early estimates. Some of the
> bike improvements had to be funded later with additional money. The \$13.1
> million does not include design cost as well as other improvements.

> 3) In the process of developing the project, the City realized it needed
> land that belonged to one of the neighboring businesses. In exchange for the
> land, the City gave them more parking. For the approximate \$100,000 in land,
> the City gave them at least \$500,000 worth of new parking.

> 4) The original plan had the City contributing no money for construction.
> CalTrain and the Valley Transportation Agency (VTA) were supposed to pay for
> all construction. In the end, since the price had increased so much, the
> City had to pump in \$1.4 million that was originally designated for other
> downtown improvements (such as better paving, benches, lighting, etc.)

> 5) There is a project by the Valley Transportation Agency (VTA) to put a
> better crossing in the back of the CalTrain station. However, due to
> requirements by the PUC, it cannot be a surface crossing and therefore must

- > be a tunnel under the tracks or an overhead bridge. No definite date for
- > this project has been set. The estimated cost is around \$2 million. The City
- > is planned to be the lead agency if the project ever happens.
- > 6) During the day, the parking structure is not to be used by anyone other
- > than CalTrain riders (even though the City paid for design and \$1.4 million
- > in construction). In addition, everyone must pay to park (\$1 now but may go
- > up to \$2). At night and on the weekends, the parking can be used by
- > non-CalTrain patrons, but they still must pay.
- >
- > In the end, the City got a parking structure that cost over \$15 million for
- > design and construction, required about \$3 million in City funds and closed
- > off the back pedestrian access. The enhanced bus facilities that were
- > promised were not built. There are about 350 parking spaces available to the
- > public, but only to CalTrain riders in the day and everyone must pay. The
- > final cost was over \$50,000 per public parking space.

Is this the correct information?

Tom Carrig

Dear Ms Campbell,

Please include me on the list of people to be notified of any future meetings concerning the Hendy Access issue.

Thanks so much,

Becky Hainz-Baxter

Ada

Don't feel sad or bad about this closure, this entrance issue has been a long time coming and needed to be made an official legal entrance, Sue was just the innocent lightning rod.

Luc

Mr. Robert Walker
Assistant City Manager
Sunnyvale, CA

Friday, April 21, 2006

Mr. Walker:

My husband and I, who live at 235 N. Frances St., Sunnyvale, were unable to attend the meeting yesterday evening regarding the access to Caltrain at W. Hendy. However, we wish to strongly express our support for such access. If this implies building a ramp for the disabled, we support that as well. In any event, the inconvenience of having this access denied has been a distinct problem for us and for many others, both commuters and people living in the neighborhood, and we see no reason whatsoever for closing off this entry into the train station. In fact, it appears to serve no purpose beyond making life a little harder for a great many people. Please support reopening this access.

Thank you.

Sincerely,

Allegra and Randall Chesnut

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Frances? No!

Speed bumps. Would you really like a speed bump in front of your house 24/7, having to hear brake squeal then thump thump or thump clank rattle thump clank rattle, then acceleration? No!

Stop signs. Three way, four way? How about stop signs at every intersection and every hundred yards down every residential street in Sunnyvale. Not!

Parking enforcement. Do you really want Police marking your tires every day to enforce the 7 hr parking restrictions and getting tickets for parking in front of your own home? How would you like to take the Train to work and find a parking ticket on your car parked in front of your home every day and your kid's cars cited because they forgot or couldn't move their car that midday? When the Police are forced to do Parking enforcement, they do the **whole neighborhood**. Not just one or two streets and they are very heavy handed about it. I for one don't want to live in a Police state and get harassed by motorcycle cops every day because I choose to park in front of my home. The reality is there are more cars than available off street parking due to all the developed R2 lots and small one car garages. We need to be able to park in front of our homes so we can use public transportation and walk or ride our bikes to work or play. The alternative are: We all have to drive our cars every weekday to work to avoid getting cited or pay someone to move our cars every midday (the number of required miles?), That sure doesn't make sense. I've lived here on Beemer Ave in the early to late sixties when meter maids drove by twice a day in their noisy Cushman carts, marking and later citing family cars. Back then, we had "stay at home Moms" that would wash off the marks or move the car. What a pain in the butt that was. Do we really want to go back to that? No!

Parking permits. I don't want to ask the city for permission to park in front of my home. How about my guests? I have a friend that lives in the SJ City college neighborhood and they have permit parking. His friends can't stop by and visit because they can't legally park on the street and his one car driveway has his second car on it. Great deal if you don't have any friends and don't want visitors!

Commuters parking in front of homes and commercial operators speeding down Frances can be mitigated by informing the offenders with a politely written form note asking that they not park in front of homes and or speed down our streets. Most will probably comply and didn't realize they were being a nuisance. Lets give this a try before we ruin our neighborhood with unnecessary and ridiculous speed bumps, stop signs, parking enforcement and permits. A flashing crosswalk to the entrance is all that is needed. Most drivers come to a complete stop when they see these flashing crosswalks activated. To see one of these flashing crosswalks in action, go to E. Maude and N. Bayview (back corner of Bishop Elementary) and push the crosswalk button and see how well they work with traffic.

Is there really a **vehicle vs. pedestrian** problem on Hendy and Frances? No... and if so how

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many vehicle vs. pedestrian accident have occurred in the past 30 years? I have yet to see one and I've driven thru there several times a day for the past 22 yrs.

Is there really a big **trash problem** on Hendy and Frances? I don't believe so. If there is, I haven't noticed it for the past 22 yrs.

Is there really a **crime problem** due to the Caltrain Entrance on Hendy? If so, I haven't noticed it for the past 22 yrs. Or, are we just becoming Curmudgeons?

Luc

> AIVI >>>

> From: Sunnyvale Residents & Caltrain Riders

> -----

> To: Sunnyvale City Government

>

> We have attended the yesterday's meeting and below
> mentioned is our opinion and Data collected from
> various Sunnyvale People

>

>

> POINT 1.

>

> Residents near Caltrain -

> -----

> Residents near Caltrain said that they're having
> speeding problems

- >
- > Residents near Caltrain-
- > -----
- > Some of the residents near Caltrain said they wanted
- > the fence to be open as they're also taking the cal
- > train to work places.
- >
- > CalTrain Raiders & Sunnyvale Residents-
- > -----
- > We're surprised to learn that only a very small
- > number
- > of residents (less than 5 out of 30 residents) are
- > against opening the north side fence.
- > Based on our analysis after attending Yesterday's
- > meeting, we're talking about 70+
- > People(residents+caltrain riders +
- > Employees@sunnyvale
- > downtown) are welcoming the north side fence to be
- > opened and less than 5 residents are opposing, which
- > really doesn't make sense at all.
- >
- > Note-
- >
- > Residents should have realized that their house will
- > be very very close to Cal-train and that people will
- > be commuting/catching trains, before doing real
- > estate
- > business there.
- >
- >
- > FINAL NOTE-
- > -----
- >
- > Consequences that Sunnyvale City will be facing by
- > closing the fence permanently-
- > -----
- >
- > Sunnyvale Will be losing many software engineers as
- > many engineers told that they will be moving (some
- > people have already decided to move) to Mountain
- > view
- > or Fremont because there's no Commuting facility
- > available from Sunnyvale.
- > And these people are working at the following places
- > located twds the north side-
- > Yahoo, Lockheed Martin, Juniper Networks, BMC
- > Software, Many Dotcoms, National Semiconductor,
- > Applied
- > Materials, etc etc.
- >
- > There are many Apartment complexes will be losing
- > money, They are: DaisyRidge, Wildwoodmanor, Peartree,
- > Oakpoint, etc etc.
- >
- > Farmers Market will be losing business as many many
- > people from north side go to Farmers market by

>

> CalTrain Raiders & Sunnyvale Residents-

> -----

> The speeding limit in that area is less than
> 35miles/hr. There are many intersections and cross
> streets in that area and there's no way we can drive
> above 15 miles/hr and put a sudden break and stop
> our
> cars.

>

>

> POINT 2.

>

> Residents near Caltrain -

> -----

> Residents near Caltrain said that they couldn't find
> place to park their vechiles in-front of their
> houses.

>

>

> CalTrain Raiders & Sunnyvale Residents-

> -----

> This is absolutely NOT true. We never park our cars
> in-front of their houses. There are plenty of
> parking
> space available right next to the tracks. Even if we
> park our cars (which is not the case), it is
> officially mentioned there(parking board) that you
> can
> park your car for 7 hours.

>

>

> POINT 3.

>

> Residents near Caltrain -

> -----

> Residents near Caltrain said that their front-yard
> becomes dirty with full of garbage and after closing
> the fence, it has become clear.

>

>

> CalTrain Raiders & Sunnyvale Residents-

> -----

> This is absolutely NOT true. We've never had our
> breakfast/lunch/dinner while trying to catch our
> trains. There's no way we can eat a Candy bar at 8
> am
> while walking down the street trying to catch our
> trains. Note. Even after closing the fence, we're
> still using the same frances street and then going
> around sunnyvale street and catch our trains.
> Basically the the statement mentioned above is not
> true.

>

>

> POINT 4.

- > accessing the fence.
- >
- > Downtown will be loosing their workers as many
- > people
- > are willing to re-locating to Fremont as per our
- > data.
- >
- > Good Luck!
- >
- > Please let us know if you want the official data and
- > we sure can provide more data like, how much
- > money/business/employees Sunnyvale will be loosing
- > because of 1 or 2 residents who purchased their
- > houses
- > for cheaper price and not knowing the consequences.
- > We
- > have already confirmed that some people have already
- > decided to move out of Sunnyvale. Just an FYI. This
- > yahoo id will be used as our primary mail address
- > for now.
- >
- >
- >

- > Do You Yahoo!?
- > Tired of spam? Yahoo! Mail has the best spam
- > protection around
- > <http://mail.yahoo.com>
- >
- >
- >
- >

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

Dear Mr. Walker:

I was out of state during the week of April 20 and could not attend the public input meeting scheduled for that date. I advised Heidi Kirk and other City personnel that I was unavailable that date, and asked them to convey to the Council and City managers my strong support for continued access at Hendy, and for prompt action to remedy Caltran's elimination of the existing access.

While the City may believe, as you say, that it is not "in a position to challenge Caltran's position that it is indeed intended to be a fence and not a formal access," the City does have, in my estimation, more than one legal basis for challenging Caltran's unilateral change to a long-standing structure [fence] made without permit or notice. Whether or not a "formal" access existed, a de facto access without question existed and was relied upon by many residents for many years. Caltrans and others knew about the access, and tacitly, if not expressly, approved of its use by residents. Caltrans and its contractors took steps to keep the access open during and after two major construction projects at the site. On a daily basis, Caltran train operators saw residents pass through the access to catch the train for their commute to work. While I do not have first-hand knowledge, it is my understanding that Caltran's decided to eliminate the access [and deny its very existence], only after a disabled resident in a wheel-chair requested that the access be made ADA compliant.

I would like to learn more about the City's position, the decision-making process and how long this issue will require to resolve. As you suggest, I will telephone you early this week to continue the dialogue.

While I do not yet fully understand the City's position, I do appreciate the City's responsiveness on this issue.

Tom Keegan
Resident

Dear Mr. Walker:

Thank you for your response and for the attention of other City managers involved with this issue. Upon reading your response I think it important to distinguish two separate but important issues:

1. The City should not tolerate Caltran's circumvention of the planning and permit process. While residents may differ regarding whether a new ADA compliant access should be constructed, the City should not tolerate unilateral action by a common carrier that cuts off an existing access without permit or public notice. The City, as an advocate of its citizens, should not adopt Caltran's fiction that it merely "repaired a hole in the fencing." Caltran's installed a new fence segment, about 10 feet in length, cutting off access where access previously existed for more than 13 years. Long-term municipal planning takes time. During this planning process, residents should not be subjected to a sudden loss of access imposed by an outsider who chose to circumvent the planning and permit process. Pending the City's final decision, the unlawful change should be reversed. Caltrans should be ordered to immediately remove the new fence segment that was installed without permit or public notice. To do otherwise would sanction Caltran's violation of the City Code. [See Sunnyvale Admin. Code Sections 301 and 205: An entity violates these sections if it alters a structure (here, a tall fence) or builds a new section of the structure without a permit.]

2. Right of citizens to be heard before access changes made. As you state, affected residents were entitled to be heard before any change was made to the access. This applies equally to residents who may have wanted no change, those who may want a new ADA compliant access, or those who may want

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to cut off the pre-existing access. Again, the City should not tolerate unilateral action by Caltrans that happens to favor one group over another. All residents have a right to be heard, but not to make unilateral changes. City permit enforcement policy should maintain the integrity of the planning and permit process, not take sides to favor one faction, or Caltrans, over another.

Kindly advise what City officer has the authority to issue a citation for a fence constructed or altered in violation of the city Code.

Does the compliance officer take the position that either (a) A City Council resolution is required to issue a citation for violations of the permit codes? or (b) That constructing a new segment fence 10-feet long to cut off a long existing- access requires no permit? If either of these are true, I would appreciate the City stating its position clearly, so that I understand the basis for the City's interim decision to take "no-action" against the unlawful change.

I would appreciate your ensuring that each councilmember, the competent City permit compliance officer, and the City Attorney receive a copy of this email letter.

Thank you.

Amtrack recently constructed a new fence segment which cut off the preexisting access to the Cal Tran's station and Sunnyvale downtown area. AMTRACK did this notwithstanding CalTrans' recent installation of new semaphors and other safety measures which enabled residents to safely cross the railroad track at this location.

I and my family have lived on North Frances Street and used the existing access for more than 13 years. Several hundred other residents also use this access. Many young Sunnyvale children, including my own, use it.

AMTRACK has installed the new fence segment where one previously did not exist for more than 13 years. It did so without a permit and with no public notice to affected residents. No doubt, your CITY attorney can advise you what city ordinances AMTRACK violated.

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The new extended fence was constructed with no City building permit and with no notice to affected residents, property owners or businesses.

AMTRACK has created a HAZARD and NUISANCE because residents rushing to the CALTRANS train must now go through another opening in the fence where no crossing or protective semaphor exists, or go a long distance around the block and cross the busy Sunnyvale-Saratoga rail crossing. It probably is only a matter of time before a tragic accident happens.

I respectfully request that the City forthwith:

1. Instruct the appropriate City Department to issue a citation to AMTRACK, or whoever created the nuisance, instructing it to remove the unpermitted fence immediately, and begin imposing daily fines for its failure to do so.
2. Declare the unpermitted fence segment a public nuisance.
3. If AMTRACK fails to remove the offending fence within 10 business days, use the City's police power to remove it.

You may also wish to have the CITY attorney evaluate whether or not a prescriptive easement in favor of affected residents exists at the access point.

With so many resources having been devoted to the new Cal Trans station and rebuilding Sunnyvale downtown, I truly hope that Council Members do not now intend to tolerate cutting off the primary access point that large portion of its population has enjoyed and relied upon.

I look forward to hearing your response and to seeing what ACTION the Council promptly takes to fix this unilateral and arrogant action by AMTRACK..

Thank you.

Subject = Sunnyvale Caltrain station fence part 1

Message =

You have an arbitrary limit of 2000 characters, so I have to split this into 2.

I'm not sure if this is a City of Sunnyvale issue or a Caltrain issue so I'm emailing both. If Caltrain, then hopefully the City can communicate that at least one (and probably more) citizen is unhappy with the "repair" of the fence on the north side of downtown Sunnyvale train station.

That gap in the fence has been a convenient entrance for a long while now. I frankly have been hoping it would at some point be upgraded to a real entrance (to get rid of the mud on the way in). But it was fine as it was.

Today it was closed. It adds a significant percentage to the time it takes me to get to the station now, which would be okay if there were a good reason. But I can't figure out why money was spent on this. I went through some possible reasons:

1. It's a safety issue (they put an "active railroad" sign on the fence): it can't be this because it leads right to the San Francisco side of the station. You can't cross the tracks directly because of the barrier fence between the tracks. You have to use the designed crossing. In fact, for going to San Francisco, it's now LESS safe since you have to go all the way to the other side and then cross the tracks. So it doesn't make anything safer.

2. Neighbors complained about parking: the whole area has restricted parking that makes it impossible to use as commute parking. Yes, short-trip people can park there, but the neighborhood consists of single-family detached homes with driveways, so no residents are being denied parking.

3. Neighbors complained about the traffic: I walk that area a lot. There's hardly any traffic. As I pass along Frances from California to Hendy, most times not one car passes me. I could walk in the middle of the street and be okay.

(to be continued)

4. Neighbors complained about foot traffic: There isn't that much. There's some, but nothing worthy of complaint. If that much is too much, then someone should move to the country. It's hardly anything.

5. Neighbors complained about strangers walking through their neighborhood: it's a community, not a gated resort. It's near a train station. The station was there before the houses. Anyone with a complaint about that is living in the wrong place and shouldn't inconvenience the rest of the community.

6. Bureaucrats%2/lawyers with too much time on their hands: this is the only possible reason left. There was a hole in the fence and someone felt that even though a) no one was hurt by it and b) some people were actually benefitting from it, it just couldn't stand because, well, it just couldn't. And that's a BS reason if that's really what it was.

It's probably too late to do anything about. My experience is that bad decisions rarely get reversed because no one wants to admit to a bad decision. But if there's any way to reinstate that entrance it would be a grand thing. If Sunnyvale can't make it happen, then making this known to Caltrain (from someone other than a lowly nobody like me) would also be great.

Thanks,
Bryon

This is to inform you that a small collection of 2-10 neighbors intends to assemble peacefully this Saturday 25MAR06 from 8AM to Noon on the south-side of W. Hendy Avenue, vicinity of an access path to the Caltrain north platform, on City property, and off of the street. We will be locating at the opening in the fence, seen in the photos at <http://home.earthlink.net/~whittum/hdna/11MAY05.pdf>

We will be collecting signatures for a petition to the City and Caltrain to comply with federal law, specifically, Title II of the Americans with Disabilities Act at this same location, as described in the document referenced above,

We will have one folding table, and one chair per person.

If there are permitting requirements for such an assembly, could you please advise. In addition, if the City requires us to keep the access there clear during our assembly, could you kindly advise of this City requirement, to maintain the Hendy access free and clear for use by pedestrians and bicyclists. In this case, please be specific about what area you are requesting us to keep clear, and why.

Could you also advise whether the City has any open permits for fence construction or repair at this site. If subsequent to the information you have at hand now, new permits for fence construction are applied for at this site, we would appreciate the opportunity to be heard prior to approval of such permits.

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In addition, if you could kindly advise Public Safety of this planned assembly, and that the assembly may temporarily be located at the Hendy Access, we would appreciate it, as we would prefer obviously not to find ourselves having to explain our presence to law enforcement, having obtained any necessary permissions in advance.

Thank you kindly for your thoughtful consideration.

Sincerely yours,

Dave Whittum, Sec'y

Subject:

All Concerned -

The fence section is down again. It appeared Saturday morning, then it went down sometime on Monday, back up again Monday night, then down again sometime today.

If Caltrain wished to close the access, they would have put the fence posts in concrete, which is 2.18\$ a bag at the Home Depot 3 blocks from the access.

If the City wished to close the access, it costs 25cents to call the San Mateo County Sheriff's office, and report damage in progress to Caltrain property.

That Caltrain and Sunnyvale dont do this, but permit the access is good for their budget.

Caltrain needs the access because people work north of the line. Sunnyvale needs the access because residents shop south of the line. Several thousand people use the access every day.

Together the two agencies have obtained the benefits of this access, and continue to enjoy them every day, without bearing the cost of making it ADA compliant.

As a side benefit of this charade, the agencies can parlay a 100k\$ grant into a 3M\$ project for a separated access, and to do that, all they have to do is to continue to risk one person's life, by not putting in a curb cut and a ramp.

And given the status of the Sunnyvale Avenue crossing, I am not sure that the risk is limited to just one person.

The duty of the professional engineer is to hold the public health and welfare paramount. Who is the responsible engineer here? I understand from Coryn that it is a Caltrain engineer. Please have them contact me. I want to introduce them to the public, starting with my neighbor Sue.

Sincerely yours,

Dave Whittum


PS Ironically, there *is* a curb cut at W. Hendy. It fronts a locked gate near N. Murphy. At that location a ramp may not even be necessary.

Just an asphalt walkway from the existing cut over to the platform would do it. I would say that a disadvantage there might be the need to add fencing to keep folks off the tracks; however, Caltrain has shown recently that it can put up fencing pretty quickly.

>

>Ms. Chan -

>

>My neighbor Susan Bull is at risk of life and limb, for no reason
>other than that she relies
>on a wheelchair and is unfortunate enough to live north of the
>railroad, in the Diana Park tract.

>

>The access at Hendy has been in place since before the railroad,
>when the previous
>owner, Martin Murphy Jr. lived in our neighborhood and granted the
>railroad permission to
>lay track through his property. Historical photos throughout the
>last century depict pedestrian
>accesses from our neighborhood to the north. As late as the 1980's
>the access here was improved, with a redwood stair case, later torn
>down by Caltrans.

>

>The absence of ADA access to the station from our neighborhood
>is a gross deviation from the goal of public service and would be a
>cause of embarrassment for the
>City if it were not for the fact that our neighborhood is a cul de
>sac, rarely visited except by
>those who live there. Out of sight, out of mind.

>

>I hope that the City of Sunnyvale will join us in fighting for the
>civil rights of its residents.
>Thank you for any time you can give to this.

>

>Sincerely yours,

>

>

>Dave Whittum

Mr. Kahn & Ms. Chan -

it would be worthwhile for the City and my neighbor Sue
if your office could review the contract for the Multimodal
Station

i dont have it here, but my recollection is that the City
undertook to maintain the station

in that connection, i wish to report to you that you have a fence
down at W. Hendy Ave and N. Frances, and it is the section
of fence the train company has been attempting to erect
since Saturday, without concrete to set the posts

it appears to have been torn down twice now, once Monday morning
and again this morning

if the City seriously wishes to claim there is no access here, and
that Caltrain has the right to erect a fence, then the City should
take steps to protect the private property (a fence) there

based on the damage done Monday and again today, it seems likely
that you can expect to need a presence there tomorrow, to protect the property
if Caltrain chooses to repair it again

Dave Whittum

Mr. Maxey & Mr. Harvey:

Thank you for keeping me in the loop, and in return for that favor I will try to be gentle.

I have personally canvassed the neighborhood from the rail line to California, from Mathilda to Sunnyvale over a half-dozen times, including five times with every Council candidate that expressed an interest in walking this neighborhood, Precinct 4014.

I have knocked on every door on N. Frances and W. Hendy from 2 to 7 times over the last year (we have a lot of renters) to not only let them know about HDNA, but to get their input on the access: do they favor a ramp or not?

Of these, I met only two people with concerns. I can give you their contact information privately if I request and receive their permission. One was concerned not about the ramp, but about a white shuttle that speeds down N. Frances. The other is concerned about: commuter parking, speeding cars, cars interacting with bikes and pedestrians at the access.

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In an ideal world, if it were up to him, he expressed that he would prefer that the access be closed.

However, he and his wife favored a resolution of the safety issue for Sue. He indicated he would not oppose an access. He has been copied on all of the correspondence you have seen from me.

In response to these concerns I reported in detail on these issues to City staff and council, as traffic calming issues that should be dealt with --- at any time --- as the access exists, and Caltrain and the City benefit from it and acquiesce to it.

I scheduled a talk by the transportation and traffic manager city of sunnyvale at our monthly HDNA meeting in September of '05 on the Hendy Access as an opportunity to obtain public input and provide information to them - see <http://home.earthlink.net/~whittum/hdna/> and the link to the '05 archive <http://home.earthlink.net/~whittum/hdna/index2005.htm>) Prior to this meeting I noticed the neighborhood and posted notices at the access.

At that meeting, the 2nd resident with concerns attended.

The 1st resident with the concern over the shuttle did not attend. The 1st has actually never attended a neighborhood meeting and I simply take it that he is busy with his personal life, and is not particularly unhappy with the situation at present. All well and good.

Now let me tell you what I make of the circumstances you report below. It is very obvious to me that the City Staff, VTA and Caltrain staff together, whether intentionally or not, are delaying a reduction of this problem of safety and equal access. If the issue had been traffic impact, it could have been solved anytime since last September when the gentlemen in charge of traffic came to meet with us. If the issue had been a hole in the fence, it could have been fixed.

If Caltrain wished to close the access, they would have put the fence posts in concrete, which is 2.18\$ a bag at the Home Depot 3 blocks from the access.

If the City wished to close the access, it costs 25cents to call the San Mateo County Sheriff's office, and report damage in progress to Caltrain property.

That Caltrain and Sunnyvale dont do this, but permit the access is good for their budget.

Caltrain needs the access because people work north of the line. Sunnyvale needs the access because residents shop south of the line. Several thousand people use the access every day.

Together the two agencies have obtained the benefits of this access, and continue to enjoy them every day, without bearing the cost of making it ADA compliant.

As a side benefit of this charade, the agencies can parlay a 100k\$ grant into a 3M\$ project for a separated access, and to

do that, all they have to do is to continue to risk one person's life, by not putting in a curb cut and a ramp.

And given the status of the Sunnyvale Avenue crossing, I am not sure that the risk is limited to just one person.

The duty of the professional engineer is to hold the public health and welfare paramount.

Please name for me the responsible engineer.

I want to introduce them to the public, starting with my neighbor Sue.

Sincerely yours,

Dave Whittum

I received a very encouraging letter from Mr. Harvey of Caltrain this evening and wanted to share it with you and make a request of the Council. His letter is pasted in below.

Could you consider agendizing, and then after appropriate public notice, sponsoring a motion to the effect:

Whereas Sunnyvale Station is central to the future growth and prosperity of our community, and whereas disabled persons do not now presently have an access at the north side of the station, it is the sense of Council that staff should attempt by all means to work cooperatively with Caltrain to secure such an ADA access, in as short a time as possible, preferably weeks, not months. If necessary to accomplish such a short timeline, a temporary access is quite acceptable to the People of Sunnyvale, and a simple curb cut, ramp and crosswalk striping delivered in ten business days at W. Hendy Avenue and N. Frances, would be preferable to a more elaborate access delivered in 3 months.

You could also consider offering a sum of 30k\$ to contribute to the project payable provided the ADA access is placed into use within 30 calendar days.

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Obviously the actual wording would be up to you --- and I know Council would do a great job of wording it --- but I mean to emphasize to you that my neighbor Sue Bull has waited long enough. Large future projects are fine things. But please, let us put in a ramp at Hendy and Frances for now and then Sue can move about safely while folks discuss their bigger dreams and plans.

As in theory there may be matters here that relate to litigation, I would not object, as a resident, if this whole topic were moved into a closed session. But I want to express clearly that what is needed here is Sunnyvale and Caltrain working together, to expeditiously, without delay, remove the safety risk from this situation, even by marking the solution "temporary" or "under construction".

I think staff needs to hear from Council on this and that is why I am asking you to agendize it. An emergency session would not be out of the question. Is the priority to: get a big project? NO ... pay nothing? NO - the object is to quit making my neighbor Sue a football, let's take her out of the equation, and get her a safe route to travel.

Dave

Reply requested

Subject = Northern access to Caltrain Sunnyvale Station

Message =

With the arrival of the bullet trains to the Sunnyvale Caltrain Station, many more people are using the train station.

Caltrain has closed off the northern access on W. Hendy Ave and N. Frances St by erecting a fence thus preventing easy access to go to the northbound Caltrain platform.

Pedestrians, bicyclists, workers and commuters going to North Sunnyvale can now only go on N. Sunnyvale St. which means going around the railroad crossing twice (once in the Caltrain Station and again on Evelyn) or take the Mathilda pedestrian walkway. This is more of a detour than simply going through the previously open northern access.

The northern access also was connected to a pedestrian train crossing with safety arms so I don't see why neighbors living on the north side cannot access this to go to the Town and Country and Murphy St. area without having to go to the high traffic areas of N. Sunnyvale or Mathilda Streets.

With the upcoming construction of the Mathilda and Evelyn roadways, this will further limit the access of this neighborhood to Murphy St.

Please use your influence to make Caltrain aware of these issues and change their mind to keep this access open.

Also I think the Caltrain station could use some more parking spaces and bicycle spaces now. It is too bad that all the parking around Evelyn is limited to 2 hours. It would be nice if Sunnyvale could provide some more parking for the Caltrain commuters.

Thanks for acknowledging my email last night and for your additional input. Notwithstanding the correspondence you read from our Chief Engineer Darrell Maxey that discusses the longer term Sunnyvale study work, in my capacity as the Chief Operating Officer for the JPB I committed to you to meet with VTA staff and determine what options might be available, practical, and timely that meet the needs you expressed. While I can't guarantee the eventual outcome yet, I remain committed to determining all of the factors in play and providing you with a formal response in short order.

I understand the difference between longer term station area improvements and the specific access issue you raised for the northbound platform. In your email reply to me you copied individuals and seemed to understand that this would take us some reasonable time to meet, review options and make some final decisions.

So it came as somewhat of a surprise to me to learn this morning that you are involved in an effort to demonstrate this Saturday at the Caltrain Sunnyvale station, presumably to call attention to the many concerns of the area, of which the north platform access is just one example. Caltrain responded immediately to your email to our Executive Director, I assigned team members to review and report to me their findings, and within 1 week I wrote back to you with my commitment to meet with VTA and see what we might be able to do. I'm disappointed to learn that what I thought might be a reasonable and realistic approach might be overshadowed by a publicity campaign. You certainly have the right to do whatever you please, provided you comply with local ordinances to make your issues known; however, in my experience this has the potential to be counterproductive to the open dialog that we have begun.

I have been in phone contact with VTA staff on this matter today and will have my first face to face meeting with them tomorrow. As I progress the dialog regarding your specific request, as well as the other community access concerns, I will update you.

Should you decide to proceed this Saturday with a peaceful demonstration, the JPB has an adopted ordinance that regulates assemblies, demonstrations, distribution of printed materials and

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display of signs that allows such expression, but places certain limitations that maintain the safety and the ability to operate the public transit system.

I hope the above reinforces my personal commitment to you to follow this issue to a final conclusion.

Sincerely,

C.H. (Chuck) Harvey
Chief Operating Officer
SamTrans/Caltrain

>Dear Mr. Whittum:

>
>
>

>Your March 14, 2006 email was referred to Caltrain staff for action,
>as indicated in Mike Scanlon's email acknowledgment sent to you the
>same day. I assigned Caltrain staff from Rail Operations and
>Accessible Services to inspect the Sunnyvale train station and the
>immediate area to better understand your concerns with respect to
>access to the Sunnyvale station northbound platform, as well as your
>specific request to correct ADA access deficiencies from your
>neighborhood. Additionally I downloaded your extensive report on
>the issue and studied it thoroughly so that I would be conversant on
>the subject.

>
>
>

>The site review was completed and findings provided to my office for
>review. It is clear that this issue is important to you and other
>residents in this area and it is important to Caltrain that we
>address it correctly and as promptly as possible. Given your
>statements that this issue has been known for some time, I'm sure
>you feel that statement is self serving, however, as Mr. Scanlon
>pointed out we were not directly aware of this specific issue and we
>take our responsibility to comply with all legal requirements,
>including the ADA very seriously. Caltrain has invested millions of
>dollars in system improvements since the line was acquired to
>improve ADA access in rolling stock, station remodels, accessible
>crossings, and information systems.

>
>
>

>Notwithstanding any debate regarding if the Sunnyvale Station meets
>the Federal requirements under ADA as constructed without a north
>platform access point for any Caltrain passenger (ambulatory or
>disabled) from your neighborhood, I believe the proper next step is
>for Caltrain to meet with our Joint Powers Board partner, the VTA,
>to discuss our findings, your specific requests, and other public
>input received on this matter. This will allow us to discuss
>various options that might include improvements that exceed legal
>requirements, and identify possible funding and scheduling

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>of Sunnyvale must play in any changes and bring them into the
>discussion.

>

>

>

>I will be in direct contact with VTA staff to schedule this meeting,
>which should occur very shortly. In the meantime, I wanted to
>assure you that the matter is serious to Caltrain and that we will
>respond in more detail after we have a chance to review various
>options. I appreciate your brining the matter to our attention, and
>for your patience to allow us to conclude this review.

>

>

>

>Sincerely,

>

>

>

>C. H. (Chuck) Harvey

>

>Chief Operating Officer

>

>SamTrans/Caltrain

Hi John

I was told that you may be able to help turn an unofficial Sunnyvale Caltrain station entrance into an official ADA compliant entrance. The City of Sunnyvale wants this opening but Caltrain or the JP don't want it.

I have a phone number for you of [REDACTED] is this a public number or your private home number?

Your help would be appreciated.

Thanks.

Luc Hermange
[REDACTED]
[REDACTED]

----- Original Message -----

From: Luc H.

To: Lindell, Astrid

Sent: Sunday, March 26, 2006 10:16 AM

Subject: Re: Caltrain Comment CT3/165

Astrid

Can you provide proof and dates of requests by residents and why they wanted the entrance closed? There is no need for sidewalks on the west side of the street Caltrain riders are arriving from the east and wouldn't use them.

The real reason the opening was closed off was due to an official ADA filing requesting that the opening be made ADA compliant and the Caltrain position that if they had it their way there would be no pedestrian surface crossings anywhere. I feel you have been disingenuous with your comments, possibly a hazard of the job. I still want a phone call by someone in position to make a change, I'm not going away.

Luc
[REDACTED]

Thank you for your comments. Since this is not a legal access to the station, Caltrain needs to keep the area fenced for safety reasons as has been requested in the past by residents in the area.

At this time it is not possible for Caltrain to provide access to the station from the east side. The City of Sunnyvale would first need to construct proper sidewalks along the west side of the street adjoining the Caltrain property.

We regret the inconvenience.

Astrid Lindell
Caltrain Customer Relations Specialist

-----Original Message-----

From: Luc Hermange
Sent: Monday, March 20, 2006 6:13 PM
To: Lindell, Astrid
Subject: Re: Caltrain Comment CT3/165

Astrid

The opening in the fence is located on Hendy Ave at Frances St, and has been there for many decades. This entrance has been maintained by Caltrain or the city with base rock and brush removal, the city of Sunnyvale has been painting the curb in front of the opening red for many years so cars don't block access to the opening. The opening is at the Sunnyvale platform and is the safest option for access to train and bus service, blocking access to this opening forces people to walk to Sunnyvale ave and backtrack alongside the tracks to the platform.

It's time to make this an official entrance with wheelchair accessibility, instead of it's unofficial outlaw status. I would like to meet and speak to someone that can make this an official and safe entrance.

Thanks.

Luc Hermange
Sunnyvale, Ca 94086

----- Original Message -----

From: Lindell, Astrid
To: [REDACTED]
Sent: Monday, March 20, 2006 11:30 AM
Subject: Caltrain Comment CT3/165

Mr. Hermange:

Thank you for your comments concerning the fence on the east side of the Sunnyvale

Caltrain station. This issue came up a few years ago and if I remember correctly, it was the City of Sunnyvale that did not want to have the station accessible from the east side for a variety of reasons.

Meanwhile, Caltrain is responsible for maintaining the safety of the right of way. If, for instance, a child from the adjoining neighborhood were to walk on to the tracks through a hole in the fence and get injured or killed, Caltrain would probably be held liable.

Please note also that anyone who trespasses on the right of way is subject to being cited.

Astrid Lindell

Caltrain Customer Relations Specialist

Luc-

I have just been made aware of this situation this last week when e-mails started flying around. I do understand though that you have described a very complicated situation in a very simplistic way. I am totally unaware of any official City of Sunnyvale positions that "the City of Sunnyvale wants this opening but Caltrain or the JP don't want it....." (Technically there has been absolutely no JPB discussion at all on this.)

If someone from the City of Sunnyvale has expressed that opinion to you they need to formally express it to Caltrain. The Board of Directors of Caltrain meets monthly, and we have had no discussions about this affair at that level at all. I think the process between the City of Sunnyvale staff and Caltrain staff needs some time to sort this out. It is too early for members of the Board of Caltrain to individually get involved to help work out solutions.....

Thanks for letting me know about your opinion, and I will forward this e-mail to the correct staff people at Caltrain.

Thanks and best regards,
John McLemore

March 24, 2006 Jakob Trconic [REDACTED] Dear Cal Train and City of Sunnyvale, I guess I must live on the wrong side of the tracks in Sunnyvale. At some point over this last weekend a fence was put up blocking people from using a dirt path leading from N. Frances Street up to the north bound Cal Train platform. Now in order for me to legally get to the train station platform I have to drive or walk down Hendy, North Sunnyvale, and West Evelyn all the way around the block to the southbound platform side entry point. I live 250 feet away from the North bound platform, I have free parking in my driveway. I asked a Cal Train worker why they had put up a fence to block the train riders from getting to the north bound platform. The answer: "Someone complained that the dirt path was not ADA compliant." Cal Trains answer: Put up a fence blocking all people from entering the area and post signs stating that the area is an "Active Rail Road". This access point is no more dangerous than actually being on the North Bound Platform. Crossing the tracks on foot at North Sunnyvale feels a lot more dangerous than simply walking up the dirt pathway. Cal Train fears that the access point is a safety issue. In the past 5 years has anyone been hurt using this access point? I live in a small neighborhood of historic homes. The area also has some apartment complexes further down the street and a lot of people walk down my street to get to the train station from their homes and apartments. I guess since we don't have million dollar homes we don't have enough clout for the City or Cal Train to provide us with a safe and ADA compliant access point. I sent an Email to Cal Train and they say they can't do anything because the city does not have a sidewalk at the access point. They state that the City would have to put in a sidewalk first. I always wondered why the dirt path was never improved. They built a parking garage and a completely new station a couple of years ago but left the north platform with a dirt path? They spent money on a ticket booth but do not man it? What is wrong with the City of Sunnyvale to allow this to happen? Sunnyvale has always been seen as a progressive and advanced city. The people in my neighborhood use that access across the Cal Train platform to also support our downtown shops and restaurants. Doesn't the City value the fact that some of its residents are doing the environmentally correct thing by using public transportation and supporting our downtown and the farmers market? Why wouldn't the city of Sunnyvale and Cal Train work together to resolve the problem of not having a safe and A.D.A. compliant ramp that the citizens could use if it truly is an issue? I have a sneaky suspicion that the

Jack Witthaus - Fwd: OPR--Re: Cal Train Station

Page 2

person who called in the ADA issue is actually one of my neighbors who just doesn't like the Cal Train Customers parking in front of his house. If this is the case I am disgusted that someone would use the ADA as a way to stop people from being able to access the train station and downtown. I agree we should have new signs that state no Cal Train Parking on N Frances because the 7 hour parking signs are not working, people park for 8 or even 12 hours. We should have parking by permit only signs that state no downtown or Cal Train parking. Blocking this area is not the answer. Your thoughts or comments on this issue would be appreciated. Sincerely, Jakob Trconic

CC: Rose, Marvin; Witthaus, Jack

Dear Mr. Hermange,

Your e-mail to John McLemore was forwarded to me for a response. Feel free to address to me any correspondence concerning this issue, or any other issues at Caltrain.

Top operations staff at Caltrain are meeting today with officials from VTA and Sunnyvale staff to discuss the appropriate means of access to the Sunnyvale station at the location where people have cut holes and created, as you put it, an unofficial station entrance. Any decision depends on a variety of critical factors, including whether any plans will meet with Sunnyvale requirements regarding sidewalk and curbing and neighborhood traffic access and patterns, whether there is sufficient funding available to do the work and whether such access will be in compliance with California PUC safety regulations governing pedestrian access to train stations.

Concerning your assertion that the city of Sunnyvale "wants this opening, but Caltrain or the JP don't want it," we have been in extensive contact with the appropriate Sunnyvale officials since this issue was first brought to our attention and there has been no indication from anyone in Sunnyvale that they unilaterally support creating a permanent access point at what has been, so far, an unauthorized cutting of a hole in our safety fence.

It is our hope today's meeting will move this issue closer toward a resolution that will satisfy everyone involved and meet the safety and ridership needs of all of our customers.

Regards,

Mark Simon

Special Assistant to the CEO

San Mateo County Transit District

SamTrans

Caltrain

San Mateo County Transportation Authority

The meeting between Caltrain, VTA and Sunnyvale staff is schedule for Thursday. I apologize for the error.

Mark Simon

Special Assistant to the CEO

San Mateo County Transit District

SamTrans

Caltrain

San Mateo County Transportation Authority

A significant safety hazard has been created at the Sunnyvale caltrain station. The entrance to the station on the north side, off of Hendy has been fenced off. Previously caltrain passengers could walk a few yards to the train platform, and did not need to cross any train tracks. Now, they are required to cross (at grade) 4 active railroad tracks, and walk about 4 blocks to the station. This fence has introduced additional required at-grade crossings - especially ironic at a time when the goal is to minimize at-grade crossings.

Passengers exiting a southbound train will likely cross the two tracks (as before) and then upon finding the exit fenced off, travel along the train tracks to the crossing at Sunnyvale. (Again, this is a greater safety risk than the previous situation.)

While the small entrance off Hendy was not fancy, it was adequate for many Caltrain passengers each day. It requires little to maintain and serves its purpose. While enhancements would be nice, leaving the entrance open provides increased safety and pedestrian convenience at no additional cost.

Jeremy Hubble

From: David Whittum [REDACTED]
To: [REDACTED]
Date: 3/25/2006 3:17:13 PM
Subject: HDNA petition - 75 for, 2 against, 1 abstention, 2 dogs with no comment

Hi Neighbors!

Thank you all for your support today!

I want to personally thank Ada Bull, Sue Bull, Pam Manquen, and David Wurfer for the long and difficult battle they have been fighting almost completely by themselves and to point out to all that this is not just about the rights of one. This is about government that respects people and their rights, and a neighborhood that will stand up for those rights. Tomorrow it could be your ox that is getting gored, thank you for sticking together instead of being picked off one by one.

We received today, in 4 hours from 8AM-noon, 75 names in support, and 1 person and 1 couple went by who did not stop to sign, and two dogs. The couple very definitely did not support the access, they indicated, non-verbally, and I am sure they will be heard at the highest level of government as they are personal friends of a Councilmember.

For support at the table I first of all want to express my admiration for Ada, who despite a coronary operation two weeks ago and emphysema, hung tough for two hours in weather that was not exactly balmy. We owe you Ada.

I am pleased no end for the strong support of Megan Dyer, Tim & Yolanda Risch, Jeff Jenkins, Tom Dwyer, Maria Pan, Ada, Pam, Sue, my two sweeties, and all the good folks, puzzled or irate, who stopped by to see us. We are pleased to thank the Sunnyvale Sun for visiting early and taking some photos. A special thanks to Bill Pedrini, Chief of Protective Services for SAMTRANS, who stopped by in plain clothes and was quite cordial. We exchanged cards and he made no arrests.

Thank you all. We can use volunteers for a weekday morning stint, I think one 7AM-9AM stint this Monday would be great. Unfortunately I simply cannot go due to work requirements. Moreover, to take signatures on the right of way you technically should ask permission.

I will make sure that copies of the petition forms go the city council c/o the city clerk, and to the JPB c/o the board secretary.

Best Regards,

Hi Mark

I would like to know who attended your meeting yesterday (Thursday 3-30-06) by Caltrain, VTA and City of Sunnyvale staff and what was the conclusion of this meeting. Also can you tell me why the Sunnyvale northbound platform entrance from Hendy ave with Wheelchair access issue has dragged on for 4 years yet still no resolution.

Everyday I see Caltrain riders forced to walk along the tracks to get to or from Frances St. or they risk severe injury by climbing over the sharp split top chain link fence blocking the old safe entrance, closed since March 18, 2006. We have a 15 Million dollar Multimodal transportation center with limited access to it's local users now. My two kids now have to walk 4 to 5 times the distance more each way every day to catch the bus to and from school, rain, rain or shine.

Living near a train station has more negatives than positives; late night maintenance and construction noise, Train horns day and night, crossing bells, Train bells, the roar of the diesel electric locomotives, PA system, the spewing of fine petroleum particulates and brake dust into the air just to name a few, the one positive **was** easy access to public transportation. To add insult to injury **Caltrain closed off the safe and heavily used Hendy ave opening in retaliation to an ADA complaint filing**, it must be better to discriminate against the whole than the few.

Enough already, Caltrain needs to stop the bureaucratic finger pointing and misinformation and put in a grade level wheelchair accessible concrete ramp with a curb cut-in so we can have back are one positive, study the need and other excuses later on your time not ours.

Thanks for your reply the other day.

Sincerely

Luc Hermange

>Sacramento, CA 95814

>[REDACTED]

>

>

>Robert -

>

>I understand the City is taking the view that due to traffic

>concerns it is necessary

>to delay action on the ADA Title II complaint I filed with the City,

>Caltrain and VTA, even while

>Caltrain and the VTA have agreed to support whatever approach is

>adopted by Sunnyvale.

>

>I want to bring to your attention that my complaint has not been

>addressed by the City,

>that the City is violating ADA Title II by failing to provide equal

>access to a major transit

>facility. The complaint stands.

>

>In addition, this is to advise that in regard to the pretext of

>"traffic concerns" ---

>I alerted the City last summer to these same traffic

>concerns, and requested assistance. ***See the correspondence

>included below.***

>[certain info redacted for privacy, marked with ****]

>

>Note that the staffer asserts regarding the Hendy Access;

>"It's a consent calendar item, non-controversial". This contrasts

>sharply with the

>present, post-ADA-complaint view promulgated by the City, that the Access

>is somehow controversial.

>

>What is controversial frankly is the fact that the City has done

>nothing to address

>our long-standing traffic concerns. The mechanisms for addressing

>them are simple:

>a residential parking sticker, for example. Striping, stop-signs.

>Regardless of warrants,

>Caltrans will not hold a City back from doing what in its engineers

>judgement is necessary

>to make safe the ways leading from a major transit facility. Ask

>Will Kempton, Director

>of Caltrans, whom I cc, if you are unsure of your latitude here. Ask

>him to swing by an

>inspect W. Hendy Avenue, tell him this concerns transit oriented

>development --- this will

>interest him as he has publicly stated that is his number one priority.

>

>Ours is the only residential neighborhood on the peninsula directly

>abutting a transit

>facility, and it is ideal as a residential area for disabled persons

>--- except that there

>is no ADA access!!

>

>Note that after I advised the City of these traffic concerns last

>summer, the existing, long used,

>non-compliant, access was *not* closed, and the traffic concerns
>were not dealt with.

>

>It was only after I complained in re ADA to law enforcement (the
>Federal Transit Administration Office of Civil Rights) 8 months
>later (yes *eight*) , that the access was closed, and all train
>passengers and residents employing this entrance were caused to
>suffer on account of this complaint. While I am not in a position to
>judge intent, this has the effect and appearance of retaliation. We
>have not been given

>a written notice prior to the closing, nor an explanation of the
>closing, nor have we been given

>any idea of when the closing may be reversed if at all.

>

>If the City has any documentary evidence whatsoever of a good faith
>attempt by the City to address these traffic concerns *prior* to my
>filing of an complaint under ADA , Title II, then please produce
>that evidence.

>

>Pursuant to our rights under Govt. Code 6250 et seq. ("California
>Public Records Act"), this is to request access to view all records,
>as well as communications by employees of the City and/or
>consultants for the City of Sunnyvale, with each other, Caltrain,
>the VTA, outside counsel and residents, where the subject discussed
>concerns traffic calming, parking or the north platform access at W.
>Hendy Avenue, N. Frances St., N. Murphy Avenue, and Angel Avenue.
>Where privilege is claimed by the City, this request stands with the
>modification that privileged information may be redacted.

>

>If your costs to comply with this request will exceed 200\$, please
>let me know in
>advance of incurring the charges. I look forward to hearing from you
>within the
>next ten business days.

>

>i do not believe the City is acting with the alacrity that good
>faith would evidence in the
>face of this critical matter of safety and civil rights. If traffic
>were the concern, the City
>had eight months to act. It did nothing. Read the correspondence
>below. This is to request
>that the City implement a curb cut and ramp at W. Hendy and N.
>Frances such as to provide ADA
>compliant access to the north platform of the Sunnyvale Caltrain
>Station, in the next ten
>business days.

>

>Thank you for your time.

>

>Dave Whittum

Robert:

I'm sorry that I don't agree with your position. This is a relatively minor project even if access ramps were provided at both ends of the northbound platform. The only controversy may be opposition from neighbors to the north and so far, David Whittums has not found any.

It seems to me that Public Works could quickly provide an estimate of the costs, finance could figure out where the funds could come from, adequate notice could be posted for an upcoming regular or special council meeting and Ann could approve agendaing this project on an emergency basis. Surely with all the emails on this subject, the Council is already aware of the ADA violation and the need for quick action. And a special Council meeting would give the same forum for the public as a simple public hearing, possibly even better, especially if the Council waived the normal rule on speaking only once and permit an open meeting discussion.

Art Schwartz

> Bob and others:

>

> While I don't agree with some of David Whittum's rhetoric, the points he makes
> are totally valid. There is no need for any long term public input and
> meetings. This is simply a matter of good planning and finding the funds within
> the current budget (redevelopment funds, emergency reserves?).

>

> For the staff cost of all this proposed time and effort ("dollars") two ramps
> could be built, one at each end of the northbound platform. This would provide
> the most useful CalTrain access and more important, much easier and shorter
> access for pedestrians and bicyclists to the downtown shopping district on which
> we are spending millions of dollars. A separate long term project could be the
> installation of pedestrian gates on Sunnyvale Avenue.

>

Page 2

Jack Witthaus - Your reply re: Hendy access

> Let's put it on the Council agenda for April 18 (time enough for public notice)
> and let the public come to the Council meeting to express any input and get on
> with the job. Over the years some of the best accomplishments by Sunnyvale have
> been done without a heavy beurocratic hand.

>

> Art Schwartz

Dear Mr. Hermange,

Caltrain was represented by Chief Operating Officer Chuck Harvey. I'm not exactly sure who attended the meeting from all the other agencies and I'm not sure the names really matter, so long as they were in a position to make decisions and, I'm told by Mr. Harvey, they were.

The result, as you may have heard by now, is that we, VTA and city staff are preparing to go forward with the construction of a permanent access to the Sunnyvale station at Hendy with a wheelchair ramp. Because all of us are public agencies and subject to regulation by a host of federal and state entities, we cannot simply slap down some asphalt and call it a safe opening. The city is obligated to conduct a hearing, currently scheduled for April 20, to ensure that the proposed changes to the street and the access are undertaken in an open fashion and that anyone who may oppose or support such changes is given an opportunity to have their opinions heard. Just as it was a mistake to make a unilateral decision not to make this a permanent access, it would be a mistake to make a unilateral decision to create a permanent access. We appreciate the urgency with which you regard this matter, but we are not allowed to move as unilaterally as you may wish us to. Because an ADA complaint had been filed, we were prevented from unilaterally deciding to keep the fence open. Assuming the complaint would be upheld, if we failed to provide an ADA-compliant access, we would have been in violation of federal law every day that we were out of compliance. The best short-term answer, while we determined the best way to resolve this issue, was to block access in what, up to this point, has been an unofficial access created by cutting a hole in our fence. All of this may sound like a through-the-looking-glass approach, but, as I mentioned, the city and Caltrain are subject to a number of regulations that dictate how we address these kinds of issues.

All that being said, we are moving with all deliberate speed to resolve this issue and, specifically, agreement has been reached to create a permanent access at Hendy, to make the changes necessary to provide street access and safety in accordance with city and state law, and to create an ADA ramp that will meet all necessary requirements, and, finally, to provide the funds necessary for all these changes.

As an example of how our own efforts can be complicated beyond our control, it appears the grade of the ramp will be too steep if we simply put in a straight downward slope, which means we will have to put in something that serpentine. This is not a matter of over-engineering, but meeting the aforementioned federal ADA regulations that govern slope angle, etc.

You repeatedly refer to the "old, safe entrance," which consisted of an unauthorized hole cut into a fence by persons unknown. Safety, as we must define it, is subject to a wide range of state, federal and local regulations and requirements. We cannot define safety based solely on our opinion, the opinion of neighbors or a definition that includes convenience or heavy use as a principal consideration. For example, pedestrians were routinely walking on our right of way in San Bruno, taking a short cut through a gap in a fence to skirt a BART electrical facility and arrive at the San Bruno station. Recently, a pedestrian was struck by a train while taking just such a short cut. Our response was to immediately fence off the short cut.

Our decision to replace the fencing at Hendy was not in retaliation to a demand that we comply with an ADA complaint but our concern that safety was being breached.

As for the four-year delay in responding effectively to this issue, all I can do is apologize on behalf of Caltrain. That decision was being made without approval from policy-level management.

Regards,

Mark Simon

Special Assistant to the CEO

San Mateo County Transit District

SamTrans

Caltrain

San Mateo County Transportation Authority

From: Coryn Campbell
To: Witthaus, Jack
Date: 4/4/2006 9:54:33 AM
Subject: add to Hendy outreach list

Karen Munninghoff

Thank you for your response and for the attention of other City managers involved with this issue. Upon reading your response I think it important to distinguish two separate but important issues:

1. The City should not tolerate Caltran's circumvention of the planning and permit process. While residents may differ regarding whether a new ADA compliant access should be constructed, the City should not tolerate unilateral action by a common carrier that cuts off an existing access without permit or public notice. The City, as an advocate of its citizens, should not adopt Caltran's fiction that it merely "repaired a hole in the fencing." Caltran's installed a new fence segment, about 10 feet in length, cutting off access where access previously existed for more than 13 years. Long-term municipal planning takes time. During this planning process, residents should not be subjected to a sudden loss of access imposed by an outsider who chose to circumvent the planning and permit process. Pending the City's final decision, the unlawful change should be reversed. Caltrans should be ordered to immediately remove the new fence segment that was installed without permit or public notice. To do otherwise would sanction Caltran's violation of the City Code. [See Sunnyvale Admin. Code Sections 301 and 205: An entity violates these sections if it alters a structure (here, a tall fence) or builds a new section of the structure without a permit.]
2. Right of citizens to be heard before access changes made. As you state, affected residents were entitled to be heard before any change was made to the access. This applies equally to residents who may have wanted no change, those who may want a new ADA compliant access, or those who may want to cut off the pre-existing access. Again, the City should not tolerate unilateral action by Caltrans that happens to favor one group over another. All residents have a right to be heard, but not to make unilateral changes. City permit enforcement policy should maintain the integrity of the planning and permit process, not take sides to favor one faction, or Caltrans, over another.

Kindly advise what City officer has the authority to issue a citation for a fence constructed or altered in violation of the city Code.

Does the compliance officer take the position that either (a) A City Council resolution is required to issue a citation for violations of the permit codes? or (b) That constructing a new segment fence 10-feet long to cut off a long existing- access requires no permit? If either of these are true, I would appreciate the City stating its position clearly, so that I understand the basis for the City's interim decision to take "no-action" against the unlawful change.

I would appreciate your ensuring that each councilmember, the competent City permit compliance officer, and the City Attorney receive a copy of this email letter.

Thank you.

Tom Keegan


Resident

/// Bruce Merritt <bwm@mac.com> 04/06/06 3:26 PM >>>

Having lived in Sunnyvale for 10 years now and regularly walked to Farmer's Market by way of this de-facto throughfare I am all in favor of a curb cut and ramp that would make this a legal, safe and un-muddy transition from neighborhood to business district - far, far cheaper than the ramps and catwalk across Mathilda that very few choose to use...

CC: jwitthaus@ci.sunnyvale.ca.us

"I won't be able to attend the public hearing on the subject, but I would like to voice my support for re-opening access of the Sunnyvale station to Hendy St. To encourage ridership, stations should be made more accessible to local neighborhoods, not less."



Dear Mr. Robert Walker, Asst. City Manager: It was with great surprise and disappointment that I found the W. Hendy access to CalTrain closed off a couple weeks back. I, along with numerous other employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself. There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. This is a disaster waiting to happen – but that is another story! In any case, please strongly consider restoring the W. Hendy access.

Sincerely, Ginny ConboySr. Human Resources Rep.Applied Signal Technology [REDACTED]

"Comment" to the Council and the Boards for the public record

I'm in strong favor of W. Hendy street access to the Sunnyvale train station.

I take the train everyday into Sunnyvale. The closed pedestrian access is a real annoyance. I'm now required to walk an additional four city blocks to reach the station. Twice now, I've even missed catching the train as a result. As well, the existing detours are not very pedestrian friendly.

Further, many of my colleagues at work used to walk into the town of Sunnyvale to eat lunch. With the closed access, they instead choose to drive their cars. Once we are in the car, most times, we don't even go to Sunnyvale. Instead we choose some more distant eating location. I'm guessing businesses on Murphy street have lost business as a result.

Please re-open the pedestrian access to the Sunnyvale train station.

Sincerely,
Michael Vierling

>>> "Suchit Kaura" <[REDACTED]> 4/20/2006 11:15:46 AM >>>

Hi, The W. Hendy access to the Sunnyvale station should be reopened as it provided convenient access to the station by walk and bicycle. Now it is really far and dangerous as I need to go on to Mathilda...
Regards, Suchit

>>> "Bhairavi Vyas" <[REDACTED]> 4/20/2006 11:14:58 AM >>>

Dear Sirs, I favor the reopening of the Sunnyvale Cal Train platform access from W.Hendy/N.Frances.
Pls consider my views. Thanking you .Best Regards, Bhairavi Vyas

I won't be able to attend this evening's community meeting regarding access to the north caltrain platform from Diana Park, but I want to write an email for the record that I am in favor for opening up access to the train station at W.Hendy & N.Frances.

thank you,
Andrew Ha
Sunnyvale resident

>>> Lajinia Miller <[REDACTED]> 04/20/06 8:26 AM >>>

I would like to be represented with all of the other residents who live near (or not) and use the access at W Hendy to get to Sunnyvale Cal Train Station. So as a Resident I would like you to count my husband and myself vote to OPEN W. HENDY ACCESS BACK UP.

I can't understand what the problem is having access at W Hendy Cal train REMAIN OPEN. I'm sure if you took a vote from the residents in this area there would be a majority rule to have this access remain open.

I personally see folks walk around and enter at the end of the block. There walking next to the tracks where this area is full of rocks. I believe sooner or later some one is calling to trip and land on these rocks and damage there self's and probable sue all of you. Which would be a shame considering there was an opening that people could enter safely.

Please listen to the many people who use this access and OPEN THE W HENDY ACESS to the CAL TRAIN station in Sunnyvale BACK UP. Thank you.

>>> "HOGENAUER, GENE" <[REDACTED]> 4/17/2006 2:25:46 PM >>>

Dear Mr. Walker, I'd like to request that you consider re-establishing access from West Hendy to the CalTrain platform. I work at Applied Signal Technology at 400 California Street and take CalTrain every day. I find it a great inconvenience having to use the Mathilda Ave. overpass to catch a northbound train. Also using that overpass is so unpleasant that I'm reluctant to go over to Murphy Street for lunch. Best Regards, Gene Hogenauer

Dear Robert Walker, Sunnyvale City Council Members, and Respectable Board Members of VTA and Caltrain:

As a resident of Sunnyvale and an avid CalTrain rider, I am in favor of having a ADA-approved ramp constructed at the Sunnyvale Caltrain Station on West Hendy and North Frances Avenues. By having this access, it has and will continue to provide an excellent drop-off point for those who live on the eastern side of the tracks (or northbound side); will limit the increasing car and pedestrian traffic/congestion, which has been initiated by this closure, on the western side of the tracks; and most of all, will provide a safer and more direct route to the other side of the fence for the riders who walk home in the evenings. Providing an ADA-approved ramp will also create a safer entrance to the Caltrain platform as the unofficial entrance has gotten extremely muddy and slippery during the most recent rains which created a hindrance to those who were using it. Overall, I believe it will create another access point to both platforms which might induce more CalTrain/VTA riders, and to the downtown mall and Town and Country Center areas.

It is unfortunate that I will not be able to attend the community meeting this Thursday (20th April 2006) due to a prior engagement, yet I do appreciate that my voice be heard on this matter. Thank you and let me know if you have any questions or comment on this email.

Sincere Regards,
Mrs. Laura A. Jarvis

--

Laura Jarvis

Mr. Walker,

I only have a few quick minutes to send you this email, so forgive me for being short and blunt.

Jack Witthaus - Fwd: Re: Access to the other side of Sunnyvale

Page 2

I live on California Ave in Sunnyvale and commute to South City via train every day. I am very disturbed that I have to walk on dirt (and in dark) after a long day at work. I sometimes stay late at work and have to take a later train. I just arrived home and very very upset. Think about if one of your family member has to do that.

The access to the Hendy Ave was closed in March. If I get attacked in that dark area(I always carry my laptop home) , I will complain that this is a result of this disturbance. You may call this a little " disturbance " but our lives are in danger by walking next to trains and being so vulnerable to any attacks.

I am also complaining to Caltrain about it every day. I see people walking on the tracks as there is not a solid ground to walk (especially in rain , we are walking in mud)

We have complained and complained and complained. I am not sure if you are waiting for someone to die on that path or trying to catch a train.

You may say, we do not have to take train or walk to downtown from this side of Sunnyvale. If you think this is the best way to take the train, please walk there one day, or just pass there for half an hour and see how many people will have to go through that hassle.

Yes, we will start driving again if this is not resolved. I am probably going to move out of Sunnyvale as quick as possible.

I hope you find a solution to this problem, otherwise we will be at court if one just ONE person dies or gets attacked there.

Sincerely,

Suzan Brumm

>>> "CHIRIATTI, BRUCE" <[REDACTED]> 04/13/06 4:05 PM >>>

Count me in. Please put in a ramp, or whatever is necessary to open
this access...

I am very disapointed that the access to Caltrain off Hendy was closed. I have used this access point for the last 4 years and my wife has used in the last 2. It is one of the major reasons we bought a home in that neiborhood.

I hope we can get it reopened as quickly as posible. It has added a significant distance to my wifes daily comute, and puts everyone at a greater risk of injury if they take the short cut along the track, which I see many people doing every day.

I hope we can put the access back until the bureucrats can finish arguing on how to improve it

Martin P. Aalund

Talk is cheap. Use Yahoo! Messenger to make PC-to-Phone calls. Great rates starting at 1¢/min.

Dear Mr. Robert Walker, Asst. City Manager: I too am very disappointed that the access to CalTrain from W. Hendy was closed off. I am an avid CalTrain commuter and have been using that access for some time now. In my opinion, the Mathilda overpass adds an unnecessary danger to those needing to cross to the north side of the tracks. It does not add any amount of safety – with or without the Hendy access, you still must cross over the train tracks at least one time if you are commuting. It is also a much longer and strenuous path especially for elderly and handicapped persons. Any way, putting in a permanent access from Hendy would do the following: It would provide the safest means to cross between the North and South side of the tracks. It would likely improve business for downtown Sunnyvale by making access easier. It would likely improve ridership on CalTrain since good access platforms are more attractive to riders. The decision seems clear – putting a permanent access in at Hendy is the best option. Thank you for your time. Matt D'Elia Applied Signal Technology, Inc. (408) 242-1100

From: KLEINMAN, ROLAND

Sent: Thursday, April 13, 2006 4:21 PM

To: 'rwalker@ci.sunnyvale.ca.us'

Cc: 'council@ci.sunnyvale.ca.us'; 'board.secretary@vta.org'; 'boardsecretary@Caltrain.com'; WINCHELL, DOUG

Subject: Comment to the Sunnyvale City Council and Boards, for the public record -- W. Hendy access to the CalTrain

Dear Mr. Robert Walker, Asst. City Manager: It was with great surprise and disappointment that I found the W. Hendy access to CalTrain closed off a couple weeks back. I, along with numerous other employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself. There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. This is a disaster waiting to happen – but that is another story! In any case, please strongly consider restoring the W. Hendy access.

Sincerely, Roland J. Kleinman

Mr. Robert Walker, Asst. City Manager:

I was surprised to hear that the Hendy St access to the cal train station was closed. Myself and many other people who work in the businesses across the tracks near the Libby water tower are now cutoff from being able to easily access the train station and businesses in the area of Murphy street.

After so much was invested to make formal track crossing near the station including warning lights and a drop down crossing arms, it is a shame that it is now closed.

I am very much in favor of reopening the crossing. Making thing handicap accessible is good, but I also feel California is going overboard and wasting too much money doing this like modifying the curbs at the every corner to be handicap accessible - no wonder our taxes are so high. Whereas I estimate that very few handicapped people if any at all would access this crossing each day, closing it affects and inconveniences hundreds of non-handicapped people who use this crossing regularly.

Please consider reopening access to the Hendy Street crossing. Thanks for you time.
Ron Ibaraki

-- Ron Ibaraki

Dear Mr. Robert Walker, Asst. City Manager: I would like to add my voice to those of others in requesting that the W. Hendy access to Cal Train and downtown Sunnyvale be reinstated. I often use this access at lunch time and it encourages me to eat in downtown Sunnyvale because of the easy access. When I drive, I tend to travel further because of the limited parking near Murphy Street. I've been considering taking the train to work since the route is (was) easy and with the W. Hendy access blocked off, this option is less attractive. It seems odd to me that there be a safe train crossing at this station – an option too costly for other stations which has resulted in loss of life – and pedestrians are being prevented from using the crossing. Obviously the access was considered and made safe years ago and is used by many people. Please strongly consider restoring the W. Hendy access.

Sincerely, Kate Manbert

~~~~~

Please re-open the Hendy avenue access to the Sunnyvale Caltrain station. This is a much faster and safer way to get to the station and to downtown Sunnyvale from the Hendy side compared to using the Mathilda pedestrian overpass. Sincerely, Dale Flowers

employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself. There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. This is a disaster waiting to happen – but that is another story! In any case, please strongly consider restoring the W. Hendy access.  
Sincerely, Dawn Huss  
Applied Signal Technology Inc.

Dear Mr. Robert Walker, Asst. City Manager: It was with great surprise and disappointment that I found the W. Hendy access to CalTrain closed off a couple weeks back. I, along with numerous other employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself. There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. This is a disaster waiting to happen – but that is another story! In any case, please strongly consider restoring the W. Hendy access.  
Sincerely, Stuart G. Johnson



Please re-open Hendy access! The other route is very unsafe as autos are speeding by very close to the walkway and the connector at the top of Matilda does not have sufficient merge room. It is an accident waiting to happen. Patricia TabashContracts AdministratorApplied Signal Technology, Inc.Ph: [REDACTED]

[REDACTED]

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Sincerely, Dave Henderson  
Director of Operations  
Applied Signal Technology

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2005

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Sincerely, Anne Matarazzo *Anne M Matarazzo* Program Manager Applied Signal Technology [REDACTED]

Dear Mr Walker,

I am a sunnyvale resident and home-owner who lives just to the north of the downtown. I'd like to see the access restored from the north side of Sunnyvale CalTrain station. Please remove the fence that suddenly started blocking pedestrian access to the station (and the downtown) from the north side.

I also work for Applied Signal Technology which is just north-west of the point where access has been blocked. Most of Applied Signal Technology employees had grown accustomed to using this thru-way when attending company events at restaurants in the downtown area. Access to the downtown is at best inconvenient to Applied Signal employees with this thru-way blocked. Please get rid of the fence as fast as you possibly can. The fence is restricting commerce and putting more cars on the road.

Sincerely,  
Todd Eyring

Dear Mr. Robert Walker, I just wanted to place my vote for the re-opening of the W. Hendy access to Sunnyvale CalTrain. It has now been closed for a couple weeks. It is a convenient method for entering and leaving the train station plus gives access to restaurants and shops. I don't think the opening is a safety hazard. There is an automated gate in place that prevents crossing the tracks when a train is present. Why go through the cost to install the gate and then close the access? I have heard the W. Hendy access is fenced off because it is not wheelchair accessible. I thought law required that there be a disabled access, but not all entrances have a disabled access. Going around to street crossing could still be used for a disabled access. That would allow two entrances to the station with at least one being a disabled access. Thanks for your time and consideration.

Sincerely, Jim Shaw

Dear Mr. Robert Walker, Asst. City Manager: I was surprised and disappointment that the W. Hendy access to CalTrain was closed off a couple weeks back. I, along with numerous other employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself. There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. In any case, please strongly consider restoring the W. Hendy access.

Sincerely, Jack Shabel [REDACTED]

Dear Mr. Robert Walker, I just wanted to place my vote for the re-opening of the W. Hendy access to Sunnyvale CalTrain. It has now been closed for a couple weeks. It is a convenient method for entering and leaving the train station plus gives access to restaurants and shops. I don't think the opening is a safety hazard. There is an automated gate in place that prevent crossing the tracks when a train is present. Why go through the cost to install the gate and then close the access? I have heard the W. Hendy access is fenced off because it is not wheelchair accessible. I thought law required that there be an disabled access, but not all entrances have a disabled access. Going around to street crossing could still be used for a disabled access. That would allow two entrances to the station with at least one being a disabled access. Thanks for you time and consideration.

Sincerely, Jim Shaw

>>> "HINSON, JERRY" [REDACTED] 4/13/2006 5:16:47 PM >>>

Dear Mr. Robert Walker, Asst. City Manager:

=20

It was with great surprise and disappointment that I found the W. Hendy access to CalTrain closed off a couple weeks back. I, along with numerous other employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself.

=20

There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. This is a disaster waiting to happen - but that is another story!

=20

In any case, please strongly consider restoring the W. Hendy access.

=20

I think closing the access has made the Train Station LESS wheelchair accessible, not MORE. I certainly would not want to roll a wheelchair, either 0.5 mile further down to Sunnyvale Avenue and back or to try to negotiate a wheel chair up the ziz-zag ramps, across Matilda and back down the ziz-zag ramps. It seems this action of closing the Hendy access has made the access WORSE for EVERYONE with no benefit gained by anyone.

=20

Sincerely,

This e-mail is to request you to open the entrance that provides access to the Caltrain Station from Hendy Avenue in Sunnyvale. I have been taking the train for several months now from Sunnyvale to Palo Alto. As you may be aware, this distance is only 20 minutes by car or was 30 minutes by train before the closure of this access. Now my commute is more than 45 minutes, doesn't quite make sense to ride a train anymore. I understand that the access wasn't quite safe for people on wheelchair or with strollers but I hope you realize that by closing this access you have forced hundreds of commuters to walk along the tracks in the eastbound direction till they come to the traffic light at Hendy and Sunnyvale Avenue, this isn't safe at all either. This path is extremely uneven, unpaved, and full of stones and water puddles. I am sure you all will agree with me that walking so close to the tracks on this kind of surface is very dangerous. We have already witnessed one accident in Redwood City and a suicide case in Mountain View just last week. I hope the authorities are not waiting for a similar disaster to happen in Sunnyvale before any action is taken. A lot of commuters including me choose to walk along the tracks and not on the pedestrian bridge over Mathilda. This is because the bridge is quite dirty: empty coffee mugs, newspapers and all kinds of trash everywhere and the last few weeks of rain has made the slopes of the bridge very slippery too. It doesn't feel very safe either after sunset due to lack of lighting near the bridge. Our family's trip (and that includes my twin babies in a double stroller) to downtown Sunnyvale and to the farmer's market has drastically reduced due to the inconvenience caused by this closure. My neighbor who works at the company Broadcom located in downtown Sunnyvale has started driving to work, a distance which is less than 2 miles. Earlier she used to walk to her work by using the access on Hendy. By closing the access, you are defeating the purpose of alternative transportation and are forcing people to get back into their cars and drive. I sincerely urge and hope that you will look into this matter and consider providing a safe ADA compliant access as soon as possible. Thanks Ruchika Aggarwal [REDACTED] Sunnyvale  
CA Ruchika Aggarwal Engineer Technician Transportation Division City of Palo Alto



Could you forward this to the appropriate people for the meeting on Hendy access to be held by Sunnyvale/Caltrain Thursday night? Thanks.

I am a daily bicycle/train commuter. We numerous bicyclers and pedestrians do not add any car traffic to Hendy street, and find access from Hendy to Caltrain extremely convenient and safe.

The other route, over Sunnyvale Ave., is a hazard for bicylists. There is no bike path, and the route dumps us on to a busy street and in front of cars entering and leaving the parking garage, then on to the Caltrain parking lot where cars back out on to us without seeing us. It is all an accident waiting to happen.

Please give us back our access to the Caltrain from Hendy Avenue.

Yours,  
Connie Chin

-----Original Message-----

**From:** Barber, Duane  
**Sent:** Wednesday, April 19, 2006 3:10 PM  
**To:** 'rwalker@ci.sunnyvale.ca.us'  
**Subject:** Cal Trans Access

I use Mathilda every day.

Folks are being forced to use a ledge as a walkway.  
During the last rain it was very disturbing to see folks trying to get to the train by using the Mathilda overpass.

It was raining and windy.  
There was a group of 3 women, in heels, cars passing by, trying to navigate the 18" ledge which not intended as a walkway.

A ground level passage to the train is a necessity if mass transit is necessary.

It has been stated that the city is the holdup.  
If this is true, please do something sensible by eliminating city overpass liability.  
If someone is advising you otherwise, you need new advisors.

Thank you for your time.

file://C:\Documents and Settings\jwitthaus\Local Settings\Temp\GW}00001.HTM

4/20/2006

Dear City of Sunnyvale,

This letter is in regards to the closed fence to access the Sunnyvale train stop (at the end of Frances Street and West Hendy). We have lived here for three years. My wife takes the train every day to work, and I use it frequently on the weekends. We can only ask WHY would you close the fence off???? I can only think of a couple reasons: Either to prevent people from walking onto railroad property, or something to do with handicapped access.

All I can say is that now people are forced to go around, but nobody wants to walk down to Mathilda to walk up and over the pedestrian over crossing, or to go down to Sunnyvale Ave and over to Evelyn. So what currently happens is that people now walk down to Sunnyvale Ave and then walk along the tracks. This is dangerous because of the fast moving trains, and because of the coarse track ballast, which is likely to cause people to fall. It's a completely stupid idea to close the fence. If the reason is because of handicapped access: In the three years we have lived here, I have only seen one person in a wheelchair use this "shortcut" and he didn't have any problem coming down from the train onto Frances. I'm going to have to assume this decision has something to do with some law, and nothing to do with common sense. Can someone please review this matter and use a little common sense?

Doug and Phyllis Marston

---

New Yahoo! Messenger with Voice. Call regular phones from your PC and save big.

Dear Mr. Robert Walker, Asst. City Manager: It was with great surprise and disappointment that I found the W. Hendy access to CalTrain closed off a couple weeks back. I, along with numerous other employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself. There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. This is a disaster waiting to happen – but that is another story! In any case, please strongly consider restoring the W. Hendy access.

Sincerely, Cathy R. Quinonez

Dear Mr. Robert Walker, Asst. City Manager: It was with great surprise and disappointment that I found the W. Hendy access to CalTrain closed off a couple weeks back. I, along with numerous other employees of Applied Signal Technology, frequently use that access to get to the downtown Sunnyvale shops and restaurants several times a week for lunch and dinner, as well as the numerous employees that use the entrance to access CalTrain itself. There is no question that it is the preferred route to access both CalTrain and Downtown Sunnyvale, especially considering that when one uses the Mathilda Avenue overpass instead they are taking their life in their hands walking along the narrow sidewalk on the extremely busy portion of the 45 MPH roadway. Also, there is added risk when considering that the sidewalk is at the same location as the extremely short on-ramp from westbound Evelyn to northbound Mathilda. This is a disaster waiting to happen – but that is another story! In any case, please strongly consider restoring the W. Hendy access.

Sincerely, Scott N. Gunyan

Et All, Please reopen this entrance to Caltrain. I have been using this for the past 16 years without any problems. Now I have to go on the bridge over Matilda. I don't feel safe doing that at all, so I walk thru the mud to the next street and cross over. Hopefully what ever the issue is, it gets resolved and the people win. Thanks Dan Festa

Dear Mr. Robert Walker, Asst. City Manager,

As a Sunnyvale resident/home owner and frequent user of downtown, I would have to agree with Mr. Kleinman on this issue. Please restore the Hendy access to the Caltrain.

Thank you,  
Aaron Chappelle

>>> "MATTSON, JOHANNA" [REDACTED] 4/13/2006 4:26:49 PM >>>

Dear Mr. Robert Walker, Asst. City Manager: I believe you have already received an email from one of my colleagues, Mr. Roland Kleinman. I just wish to express that I also feel the same way as Mr. Kleinman and would like to see the W. Hendy access reopened. His email below completely encompasses how many of us feel at Applied Signal Technology. Thank you, **Johanna Mattson Applied Signal**

Comment to the Sunnyvale City Council and Boards, for the public record: I am writing to show my support in favor of a ramp access to cross the train tracks at Hendy Avenue in Sunnyvale. I work in a nearby company, and my co-workers and I frequently used the opening at Hendy Ave. to access downtown Sunnyvale on our lunch breaks. I had to use the Mathilda overpass to get to downtown today for the first time, and I did not feel safe at all on the narrow sidewalk along Mathilda. There is no barrier between the pedestrians and oncoming traffic, and it is extremely tight when trying to pass someone walking in the opposite direction. Consequently, I am more inclined to eat my lunch at work rather than traverse the Mathilda overpass to go downtown. I know many others feel the same way, and I'm sure businesses in downtown Sunnyvale will suffer because of this. I sincerely hope that you reconsider opening up the Hendy Ave. access and making it safe and handicapped-accessible. The city of Sunnyvale will be extremely grateful. Thank you for your time, Sarah Collins  
Applied Signal Technology, Inc.

Hi Robert (Jack?),

I walked to lunch everyday to downtown Sunnyvale using this access. It has become very difficult to get there since the access closure and I have started driving to Mountain View and Santa Clara for lunch. I can't imagine that this is what was intended.

How about lunch some time to discuss it?

Thanks for listening,  
Jamie Richardson

**Dear Robert Walker, I favor re-opening Hendy Ave entrance to the Cal Train platform. The nearby overpass walkway is not only inconvenient, but dangerous. There is no barrier between the pedestrians and the cars speeding by at 40-50 Mph which is also near a very short merge. Thank you for your consideration, Will Korbe Further information at <http://hendyaccess.info/>**



Dear Sirs/Madams, This seems like such a no-brainer to me that I'm surprised I'm even writing. If Sunnyvale and CalTrains want people to use the train, they need not make people waste an extra 10 minutes to cross a simple fence. I cannot stress how much of an affect this has had not only on the CalTrains station (I personally know a few people just in my Department who are so annoyed, they've started driving again), but also Murphy Street. So let's get this done! Thanks for your time. P --PAV SINGH ATHWAL Senior Contracts Administrator Applied Signal Technology, Inc. [REDACTED]

Dear Ms. Campbell

Thank you for your response regarding the access issue.

Unfortunately, I will be out of town at the time of the community meeting scheduled for April 20. I strongly support the access at Hendy. I also request that as an interim measure, the City insist that Caltrans to restore the access it eliminated pending any future action that may be taken. Kindly refer my input on this point to all City decision-makers.

Caltrans apparently has violated the American with Disabilities Act by retaliating against an entire community because one resident requested ADA compliance at the site of an existing access. The City should not let itself become complicit in Caltrans' improper conduct.

I am glad to hear that Caltrans now, belatedly, states that it wants to cooperate. However, it should have cooperated before it cut off an important existing access. If it truly wants to cooperate, Caltrans should restore the status quo while the planning process goes forward. Delay in restoring the status quo should not be accepted.

I urge the City to avoid adopting Caltrans' lame posture regarding its unilateral action. Caltrans, in effect states, "There was no access; we were just fixing a fence." Respectfully, this is nonsense.

Your letter puts it somewhat differently, stating that "there is no Caltrain authorized access from the north side of the train tracks." This statement is technically true, now, because Caltrans has unilaterally cut off the existing access by adding a new fence segment. However, access plainly existed until Caltrans eliminated it two weeks ago.

Moreover, the long history of Caltrans' maintenance and construction at the identical spot strongly suggest that Caltrans tacitly authorized (and probably expressly authorized) the access for a period of more than 13 years. When Caltrans performed maintenance and completed several major construction projects at the station over 13 years, Caltrans took care to leave the access open both during and after the projects. While other nearby sites were posted with No Trespassing signs, Caltrans, significantly, posted no such sign (until it recently cut off the access) at the point of the pre-existing access. Caltrans was, of course, fully aware that many local residents used the access day in and day out.

Alternatively, if the access was not "authorized" by Caltrans, the public has gained a prescriptive easement to the access by its open, hostile, and public use of the access where Caltrans left the access open. The City should be standing with its residents on this, and demand. The City has legal

grounds to stand on: The question is will it stand by its citizens?

Reasonable people may disagree regarding how the City should have responded. However, City management and the City Council will lose all credibility with local residents if the City takes the position that there was no pre-existing access.

Thank you,

Tom Keegan  
Resident on N. Frances Street

To Whom It May Concern:

I am a new home owner in the City of Sunnyvale, though I have lived here for many years as a renter. We recently purchased a home on N. Frances St with the sole reason being the Hendy access to the train station and downtown.

My partner cannot drive which is why we chose the house on N. Frances because of its close proximity to downtown and the train station and the convenient crossing. We frequent the downtown businesses almost on a daily basis, be it the eating and drinking establishments, the tailor, the department stores or the smoke shop just to name a few. I even walk to my chiropractor whom is on the other side of the downtown area. We rarely drive anywhere if we don't have to.

Because this access has been closed, now have to get in my car and drive us to other locations due to the loss of convenience.

Now I know that convenience is not a justifiable cause to give us back our access but the \$7000 plus in property tax that we pay should help cover the expenses for this access. I don't feel safe walking across the Sunnyvale Ave. crossing with all of the traffic. To me, that is more of a risk than crossing the tracks at Hendy. Besides, there is a natural crossing at the railroad tracks at Hendy already. That is a stop for the trains. It just makes sense to place a crossing there.

Please give us back our Hendy access.

Cheryl Shawl  
Terri Ray  
-----

--- Ross Nelson ---

I would like to comment on the closure of the Hendy Ave. platform to the CalTrain station. I find the closure both inconvenient and ill-considered. I first encountered the closure two weeks ago, and I asked a CalTrain employee why it was done. She told me it was for safety reasons. This makes no sense to me.

For one thing, the tracks are better marked and protected at the station than they are at the street crossings. For example, if I'm forced to continue to walk over to N. Sunnyvale Ave., the crossing gate only blocks the roadway, not the sidewalk. Plus, if I enter the railyard from there, it is unpaved and uneven, making for treacherous walking.

In my previous job, I used to commute regularly to Palo Alto and Redwood City from the Sunnyvale station. Losing access to the Hendy entrance would have cost me several precious minutes each morning, and the sight of a missed train when you're blocked by a fence is a very dispiriting one.

That aside, I'd like to reiterate that access from Hendy Ave. is safer than from Sunnyvale Ave for those of us trying to walk to the train platform. I strongly urge you to re-open the access at Hendy.

Thank you for the opportunity to speak on this matter.

Ross Nelson

Council-

As VTA and Caltrain have relinquished to Sunnyvale the authority to decide on an access solution, the City is now on borrowed time, its reputation depending on the judgement of children navigating their way along the tracks from the north platform, and my neighbor Sue's front wheels and joystick.

Please keep an eye on the downside. This can turn grim in an instant, a special emergency Council session is in order.

Dave

> I am providing you my input on the Hendy Access, as Coryn's email below  
> suggests you are the person to direct it to.  
>  
> I learned today from an independent source, that in the meeting Thursday  
> Caltrain & VTA agreed that they will adopt the approach endorsed by the City  
> The City is in the driver's seat.  
>  
> Robert, I disagree with the direction you are taking,  
> scheduling a staff meeting 3 weeks from now.  
>  
> This must be agendized for Council ASAP. The alternatives are clear:  
>  
> 1) access at N. Frances  
> 2) access at Mathilda  
> 3) access at N. Murphy  
> 4) access at N. Frances & Mathilda  
> 5) access at N. Murphy & Mathilda  
>  
> Let the public to appear at Council Chambers 456 West Olive Avenue to comment,  
> and let Council choose the direction. Staff can implement in just days.

> Let's all get used to the fact that there must be a residential  
> parking sticker for this neighborhood,  
> we are next to a train station, where it costs money to park. It is  
> free in the neighborhood.  
>  
> There is no value added to delaying and holding a preliminary public  
> input meeting.  
> You cannot close off folks neighborhood and then require them to  
> to go to two meetings, a staff-directed public meeting,  
> and then a subsequent Council meeting, to be restored to their previous  
> condition.  
>  
> Staff should not be erecting hurdles for residents to cross.  
> The issues are access and parking (traffic). They are easy to provide  
> a temporary solution to, while longer term solutions are studied.  
>  
> By the way, residents fronting on Mathilda attended a recent public input  
> meeting hosted by Jack Witthaus in January, so he has their contact info  
> and can simply ask them how they feel about having pedestrian access  
> to the right of way there. I already asked the neighbor closest and he  
> thought that would be dandy.

>  
> This whole topic should be scheduled for the next regularly scheduled  
> council meeting, or a special council meeting, let us know when it  
> is, make us come  
> just once, and register our opinion and then let's quit giving my neighbor  
> Sue and all my other neighbors a hard time.

>  
> Because of the latitude granted to the City by Caltrain and VTA, it is now  
> on the City, that my neighborhood is fenced off, and we are not 1 block  
> from downtown but 6 blocks.

>  
> The clock is ticking on the City of Sunnyvale and its reputation.

>  
> You can either solve this fast or read about it for a long time to come.

>  
> Please visit our neighborhood to understand  
> what has been done to us.

>  
> This in response to a civil rights complaint.

>  
> Good luck with your decision.

>  
> Dave  
>

TO:  
Mayor Ron Swegles & City Council,  
c/o City Manager Amy Chan  
City of Sunnyvale, PO Box 3707,  
Sunnyvale, CA 94088-3707  
[council@ci.sunnyvale.ca.us](mailto:council@ci.sunnyvale.ca.us)

Peninsula Corridor Joint Powers Board,  
c/o Board Secretary  
1250 San Carlos Ave., San Carlos, CA, 94070-1306  
Fax: 650.508.6281 [boardsecretary@Caltrain.com](mailto:boardsecretary@Caltrain.com)

cc:  
Board of Directors, Santa Clara Valley Transportation Authority  
c/o Board Secretary, 3331 North First Street, Building B-2, San Jose,  
CA 95134-1927  
Fax (408) 955-0891, Tel (408) 321-5680, [board.secretary@vta.org](mailto:board.secretary@vta.org)

Re: communication to the Council and The Boards,  
for the public record - a petition to provide ADA compliant access, a  
ramp and a curb cut  
at W. Hendy Ave and N. Frances St.

This is to petition agencies concerned per  
<http://home.earthlink.net/~whittum/hdna/petition.pdf>  
and to request that this petition and this cover letter be transmitted  
electronically to the Council and Boards concerned.

On Saturday 25MAR06, while standing at the Hendy Access from  
8AM-noon, we recieved 75 names in support of this petition, 1 couple opposed,  
and 1 person who wasn't talking. One neighbor in favor added a comment  
many of us agree with, that parking along the Hendy corridor needs  
attention, e.g., a residential parking permit.

A hard copy, with the 75 names, goes out by mail and by hand to today  
to the addresses shown.

This is also to request that the original complaint be distributed

electronically to the Council and the Boards concerned by means of this URL:  
<http://home.earthlink.net/~whittum/hdna/letter8MAR06.pdf>

Please call me if you have questions.

Dave Whittum  
Heritage District Neighborhood Association  
<http://home.earthlink.net/~whittum/hdnatalk/>

Dear Mr. Knight,

Thank you for your reply. I regret that I must write to you again.

As of this morning someone has pulled up the new fence pole, making an opening for people to go through.

It is not surprising that this happened as there are hundreds of people who walk to work north of the train station, and there is no other access out of the station to the north. I am told this happened the last time someone complained about the ramp, about four years ago. The fence was closed, and opened the next day.

Given that the fence pole was not placed in the ground with concrete, and given that concrete costs \$2.18 a bag at the Dome Depot three blocks from the access, it is clear that Caltrain was merely making a show of closing the fence.

Caltrain is clearly not interested in closing the access, else they would have used concrete in the pole footings.

Given that the fence represents the property of Caltrain, that this tampering had happened before, the City could reasonably have expected to need to secure the area with the aid of its public safety department, and to take diligent steps to protect Caltrains property (a fence). That the City did not do that is evidence that the City acquiesces to this access. The City was notified immediately on Saturday of the closing.

It cannot be argued that Caltrain and the City of Sunnyvale do not recognize that they depend on this access for their customers and residents. Anyone who has visited the site can see that instantly. It is particularly obvious during the commute period, where folks in business attire are seen walking the mud. With the access restored, as someone did this morning, Caltrain customers can walk on packed dirt and quickly exit the rail right of way.

Caltrain obtains the benefit of an access at this location, without paying the cost of ADA compliance. The City obtains the benefit of an access without paying the cost of ADA compliance. Only the disabled suffer.

Having looked at this now for the four years I have lived here, and having published a written description of the problem, with photos, having delivered it to the train company, the City ---- and to the FTA Office of



Civil Rights about a year ago --- and having arranged for the principals to meet at the site (Caltrain's Dick Dahlof, Sunnyvale's Jack Witthaus, and the CPUC engineer), having seen the agreement of the CPUC that this access is safe, thanks to the existing pedestrian gates, and having made all reasonable attempts to seek an explanation of the parties actions subsequent to that date, I can only conclude that together these two agencies, Caltrain and the City are jointly maintaining this access, while, in practice, evading the requirements of ADA Title II at this access.

There is no other cogent explanation of what has happened here. Caltrain and or the City are saving 30k\$-50k\$ at the expense of the handicapped. This cost judgement is in error. The cost-scale for disproportionate cost by code is 20% of the transit facility cost, or 20% of 15M\$ which is 3M\$.

My question at this point is, will the FTA Office of Civil Rights be complying with US DOJ guidelines and diligently seeking enforcement of ADA Title II at a major transit facility.

It seems to me that the intent of Congress has not been respected here, that reasonable attempts to resolve this matter, over the course of a year of patient discussions have not resolved the problem, and that my neighbor is still suffering from her inability to safely access the station, as all others will be able to once again this morning thanks to acquiescence by Caltrain and the City of Sunnyvale.

This is to request that your office enforce Title II of the ADA, and secure provision for a serviceable, ADA compliant curb cut and ramp to the north Caltrain platform, at the Sunnyvale Multi-modal Transit Center, vicinity of W. Hendy Ave and N. Frances, in Sunnyvale CA , 94086, and to obtain agreement from the parties involved, Caltrain and the City of Sunnyvale, to complete the access within the next ten business days.

Thank you for your time.

Dave Whittum, Sec'y  
Heritage District Neighborhood Association

-----Forwarded Message-----

>From: [REDACTED]

>Sent: Mar 20, 2006 7:31 AM

>Subject: RE: act of retaliation and intimidation following a valid complaint under Title II, ADA

>

>Mr. Whittum,

>

>This is to let you know that your complaint has been received and is  
>being reviewed by the Federal Transit Administration, although at this  
>time we have not yet made a determination that it falls under our  
>jurisdiction. We will communicate that information back to you once we  
>have made such a determination.

>

>Thank you.

>

>David Knight, Esq.  
>Equal Opportunity Specialist  
>Office of Civil Rights  
>Federal Transit Administration  
>U.S. Department of Transportation

>>> Anuj Aggarwal [REDACTED] 3/19/2006 9:15:02 AM >>>  
I think it is time to have the media involved in this matter.

I will begin working with some of my local contacts to initiate a discussion.

Cheers,  
Anuj

Mr. Winter -

This morning Saturday 18MAR06 at 8:15AM two Amtrak workers driving a US DOT vehicle 240318, with Caltrain marking AE54422 and CA Exempt license 1105632, erected a fence and closed the last safe pedestrian and bicycle access to the Sunnyvale Multimodal Train Station at the W. Hendy Access at N. Frances. They also closed an informal vehicle service access on Hendy near N. Murphy.

My neighbor Jack H related to me, that they told him, that Caltrain did not want to spend \$80,000 on a handicapped ramp, so they were closing the access.

This work was witnessed by me, neighbors Jack H., Ada B., my wife and dozens of other residents attempting to reach Murphy Avenue and the Sunnyvale Farmer's market. Ada B. took photographs of the operation which I can transmit to you if you wish. My wife asked them if this was temporary or permanent and they answered: permanent.

It is now impossible for any person, handicapped or not, to move by foot or bike, along a safe path from north of the rail right of way, to the southside, from Mary Ave to Fair Oaks, a distance of perhaps one mile.

Note that prior to this closing, no improvement was made to the Sunnyvale Avenue crossing, where the absence of a pedestrian gate and improvements makes the access unsafe for Sunnyvale residents, particularly disabled residents.

This action today has the appearance of an act of retaliation and intimidation following a lawful and valid complaint of discrimination against the

handicapped in access to a  
new, 15M\$ transportation facility, as outlined at  
<http://home.earthlink.net/~whittum/hdna/11MAY05.pdf>  
<http://home.earthlink.net/~whittum/hdna/letter8MAR06.pdf>

This complaint has not been answered by the train company, nor by  
the City, except by the closure of the crossing this morning,  
without notice.

My disabled neighbor, Susan B., meanwhile, is on the verge of tears, is afraid  
to take her wheelchair across Sunnyvale Ave even more than Mathilda,  
and Mathilda itself is very obviously dangerous to anyone who has  
been up there. It is quite narrow and there is no handrail.

This is to notify you of the actions today and of my concern that as  
a result of  
this action by Caltrain, taken without Caltrain Board or CPUC authorization,  
I or my family or my disabled neighbor may be harmed by one or more of  
the hundreds of residents and passengers who will suffer enormous inconvenience  
due to the closure of this crossing.

I cannot think of any other action that Caltrain could have taken that would  
have been more effective in silencing those who would complain of  
this civil rights  
violation and this safety condition, nor can i imagine an action more  
direct in retaliating against the complainant in this case.

As our complaint to your office, per guidelines from the US DOJ  
<http://www.usdoj.gov/crt/ada/cguide.htm>  
has only resulted in harm to our community, I would ask that you kindly  
follow the DOJ guidelines, and refer this matter directly to the DOJ, Civil  
Rights Division, Disability Rights Section, for enforcement, with  
this letter attached.

Sincerely yours,

Dave Whittum

> >email: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)  
> >  
> >cc:City Council, Sunnyvale CA  
> > & Neighbors  
> >  
> >Re: ADA access is needed at Sunnyvale Station, please advise as to procedure  
> >  
> >Dear Public Advisor/CPUC:  
> >  
> >This is to inquire per instructions at  
> ><http://www.cpus.ca.gov/static/aboutcpuc/divisions/csid/public+advisor/index> .  
> >htm  
> >to determine:  
> >  
> >What is the application to be filed, or procedure to be followed, by our  
> >City, to pursue improvement of, and particularly ADA access to, the  
> >north side of  
> >the Sunnyvale  
> >CalTrain Station?  
> >  
> >It would be helpful to know both of the procedure should the train company  
> >(Caltrain)  
> >be supportive of this endeavor, and also the procedure should they oppose  
> >this.  
> >  
> >Background:  
> >At present non-ADA access is possible by crossing over the curb at Hendy,  
> >and walking up  
> >a dirt berm, through an informal opening in a chain link fence. We in the  
> >Heritage District  
> >Neighborhood Association, representing residents living directly adjacent  
> >and to the north  
> >side of this station, believe that ADA access to the north side is  
> >appropriate, and may be required  
> >by law as described at [http://www.fta.dot.gov/transit\\_data\\_info/ada/](http://www.fta.dot.gov/transit_data_info/ada/) .  
> >  
> >At present handicapped residents must travel three blocks down to Sunnyvale  
> >Ave,  
> >cross three tracks, and come three blocks back, and then cross again two  
> >tracks, to reach the  
> >north side platform. Alternatively they can travel one block the other way,  
> >navigate a ramp to a  
> >height of 20 feet, traverse a sidewalk next to oncoming traffic on the  
> >Mathilda Overcrossing,  
> >return down another ramp, and then cross two sets of tracks.  
> >  
> >This involves unnecessary wheelchair traffic across thoroughfares and  
> >unseparated grade crossings.  
> >It is not safe, and it is not equal access. Absence of this access  
> >unnecessarily exposes  
> >the City and Caltrain to liability and litigation, and may interfere with a  
> >major construction  
> >project (Mathilda Overcrossing Rehabilitation Federal Project No.  
> >BRLS-5213(018) )  
> >  
> >It is our belief in the Heritage District Neighborhood Association

> >that the public interest and safety are better served by an improved  
> >entrance,  
> >such as could be navigated by a person in a wheelchair. Even a temporary  
> >improved entrance  
> >would be acceptable, pending a consensus long term solution.  
> >  
> >This does not require physically modifying the nearby pedestrian crossings.  
> >It may require  
> >a temporary fence or other control of pedestrian access to the line, and a  
> >temporary ramp  
> >of perhaps 20' in length. It may require a modest amount of work within the  
> >15' safety envelope  
> >of the rail line, but limited to a region near the existing platform, and  
> >primarily consisting of  
> >grading and paving.  
> >  
> >Having discussed the matter last night in the "citizens to be heard portion"  
> >of our City Council meeting, and finding Council not pre-disposed \*against\*  
> >ADA access, but primarily concerned with \*legality\* of the entrance  
> >to the station, we are contacting your office so that we may assemble for  
> >Council an accurate view  
> >or outline of the process to be followed to insure that this access, which  
> >has been used continuously  
> >for over one hundred years with few interruptions, is in fact recorded in  
> >good legal standing, and in compliance with all applicable state and federal  
> >laws.  
> >  
> >Thank you for any help.  
> >  
> >Sincerely yours,  
> >  
> >Dave Whittum / Heritage District Neighborhood Association  
>

>>This is to make a complaint to you per the cover letter at  
>><http://home.earthlink.net/~whittum/hdna/letter8MAR06.pdf>  
>>(pasted in, in plain text, below)

>>concerning circumstances described at  
>><http://home.earthlink.net/~whittum/hdna/11MAY05.pdf>  
>>

>>I will forward you a hard copy of both in case this is difficult  
>>to make out by email. Thank you for your time and any effort  
>>you can give to this.

>>  
>>Dave Whittum  
>>

>>  
>>-----

>>

>>8MAR06

>>To: Mayor Ron Swegles, City of Sunnyvale  
>>Vice-Mayor Otto Lee, Councilmembers Dean Chu, Tony Spitaleri, John  
>>Howe, Chris Moylan, Melinda Hamilton  
>>c/o council@ci.sunnyvale.ca.us,

>>

>>Peninsula Corridor Joint Powers Board, c/o Board Secretary,  
>>1250 San Carlos Ave., San Carlos, CA, 94070-1306  
>>Fax: 650.508.6281 boardsecretary@Caltrain.com,

>>

>>Board of Directors, Santa Clara Valley Transportation Authority  
>>c/o Board Secretary, 3331 North First Street, Building B-2, San  
>>Jose, CA 95134-1927  
>>Fax (408) 955-0891, Tel (408) 321-5680, board.secretary@vta.org

>>

>>Mr. Michael Winter, Director, Office of Civil Rights  
>>Federal Transit Administration, 400 7th Street, S.W., Room 9100  
>>Washington, D.C., 20590, Telephone: (202) 366-4018  
>>E-mail: michael.winters@fta.dot.gov

>>

>>Mr. David Solomon, Civil Rights Officer  
>>Federal Transit Administration, 400 7th Street, S.W., Room 9100  
>>Washington, DC 20590, Telephone: (202) 366-4018  
> >E-mail: david.solomon@fta.dot.gov

>>

>>cc:

>>U.S. Department of Justice  
> >Civil Rights Division, 950 Pennsylvania Avenue, N.W.  
>>Disability Rights Section â NYAV, Washington, D.C. 20530

>>

>>City Manager, Amy Chan, citymgr@ci.sunnyvale.ca.us  
>>City Counsel, David Kahn, cityatty@ci.sunnyvale.ca.us

>>

> >Marvin A. Rose, Director of Public Works, mrose@ci.sunnyvale.ca.us  
>>Jack Witthaus, Transportation and Traffic Manager,  
>>JWitthaus@ci.sunnyvale.ca.us  
>>City of Sunnyvale, PO Box 3707, Sunnyvale, CA 94088-3707  
>>Tel: (408) 730-7415

>>

>>Office of the City Clerk, 603 All America Way, Sunnyvale, California 94086  
>>Tel: (408) 730-7483 Fax: (408) 730-7699, E-mail: cityclerk@ci.sunnyvale.ca.us

>>Mailing Address: P.O. Box 3707, Sunnyvale, CA 94088-3707  
>>  
>>Planning Commission, City of Sunnyvale, c/oTrudi Ryan,  
>>tryan@ci.sunnyvale.ca.us  
>>  
>>Mr. Kevin Boles, Rail Crossings Engineering Section, California  
>>Public Utilities Commission, 505 Van Ness Avenue  
>>San Francisco, CA 94102, kcb@cpuc.ca.gov, 415-703-2795  
>>  
>>John McLemore, Metropolitan Transportation Commission  
>>Representative, Santa Clara County  
>>Peninsula Corridor Joint Powers Board (Caltrain), Tel: (408)  
>>988-7020, jlmclmore@aol.com  
>>  
>>Donald F. Gage, Santa Clara County Board of Supervisors (408) 299-5010  
>>Joint Powers Board,  
>>  
>>Ken Yeager, Santa Clara Valley Transportation Authority (408) 277-5166  
>>Joint Powers Board, ken.yeager@ci.sj.ca.us  
>>  
>>Bill Lockyer, Attorney General, State of California, Tel: (916)  
>>324-5437 Fax: (916) 445-6749,  
>>  
>>Heritage District Neighborhood Association, car357@pacbell.net,  
>>Neighbors, Residents, & Property Owners in the Diana Park Tract  
>>  
>>  
>>  
>>  
>>Re: complaint concerning lack of ADA access to the new Sunnyvale  
>>Caltrain Station, with a constructive proposal for a remedy  
>>  
>>Submitted electronically via url:  
>><http://home.earthlink.net/~whittum/hdna/letter8MAR06.pdf>  
>>  
>>Mr. Mayor, Council & Others Concerned:  
>>  
>>This is to make complaint on behalf of residents of the Heritage  
>>District Neighborhood Association, concerning the lack of ADA  
>>access to the Caltrain north-side platform, from West Hendy Avenue  
>>in Sunnyvale, CA 94086, or any location north of the station, from  
>>Mary Avenue to Fair Oaks Avenue.  
>>  
>>Included also is a constructive proposal to remedy this problem,  
>>available in electronic form at  
>><http://home.earthlink.net/~whittum/hdna/11MAY05.pdf>, originally  
>>submitted to the City Council of Sunnyvale in May â\*\*05.  
>>  
>>This letter is transmitted as a complaint also to the Federal  
>>Transit Administration, Office of Civil Rights, the ADA enforcement  
>>agency for transportation facilities, so designated by the US  
>>Department of Justice, per <http://www.usdoj.gov/crt/ada/cguide.htm>.  
>>  
>>This complaint is also transmitted to the other two US Department  
>>of Transportation funded agencies involved in the construction of  
>>this defective train station, the Santa Clara Valley Transportation



>>Authority (VTA) and the Peninsula Corridor Joint Powers Board  
>>(Caltrain).  
>>  
>>Your help in providing a curb cut, a striped cross-walk, and an  
>>access ramp surmounting the 4-feet to the platform would be greatly  
>>appreciated by all who live here, but most particularly by my  
>>neighbor who is disabled. The cost might run to 50k\$.  
>>  
>>Should one or several local agencies object to a permanent  
>>installation on any grounds at all, a temporary installation, until  
>>such time as a separated crossing is available, would be a suitable  
>>solution. A temporary ramp would be even less expensive.  
>>  
>>Thank you for your time and help in providing for the safety of our  
>>residents.  
>>  
>>Sincerely yours,  
>>  
>>Dave Whittum, Secâ\*\*y  
>>Heritage District Neighborhood Association  
>>[REDACTED]  
>>[REDACTED]  
>>[REDACTED]  
>>

CC: [REDACTED]